

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION



Board of Zoning Appeals Staff Reports 2021

**Monday, September 20, 2021
7:00 P.M.
City Hall Forum**

**Agenda
Board of Zoning Appeals
Springfield, Ohio
Monday, September 20, 2021
7:00 P.M.**

1. Call to Order

2. Roll Call

3. Approval of August 16, 2021 Meeting Minutes ACTION

4. Swearing In of Witnesses ACTION

5. Case #21-A-32

A conditional use permit for an automotive oriented use (tire shop) is requested by the applicant at 2202 N Bechtle Ave in a CC-2, Community Commercial District. DISCUSSION
& ACTION

6. Case #21-A-36

The applicant is requesting a variance from the front setback required for the porch at 1321 Sunset Ave. in a Residential use, RS-5 District. DISCUSSION
& ACTION

7. Case #21-A-37

A conditional use permit is requested by the applicant to use the commercial property as an automobile and truck oriented use (Gas Station) at 1220 E Home Rd. in a CC-2, Community Commercial District. DISCUSSION
& ACTION

8. Case #21-A-38 (On hold. Pending information from applicant. Will be heard at October meeting.)

9. Case #21-A-39

The applicant is requesting a variance to install a roof sign at 31 N Sycamore St. in a CI-1, Intensive Commercial District. DISCUSSION
& ACTION

10. Case #21-A-40

A conditional use permit is requested by the applicant at 625 N Limestone St. to have dwelling units above a restaurant in a CC-2, Community Commercial District. DISCUSSION
& ACTION

11. Case #21-A-41 (Withdrawn by applicant)

The applicant is requesting a variance from the front setback required to install a new pole sign at 950 N Bechtle Ave. in a CC-2, Community Commercial District. DISCUSSION
& ACTION

12. Case #21-A-42

A conditional use permit is requested by the applicant at 950 N Bechtle Ave to have Electronic Message Centre sign faces (EMCs- Multicolor) installed on new sign in a CC-2, Community Commercial District. DISCUSSION
& ACTION

13. Case #21-A-43

The applicant is requesting a variance to keep an emotional support animal (pig) on residential property at 926 Sherman Ave in a RS-8, Medium-Density, Single-Family Residence District.

DISCUSSION
& ACTION

14. Board Comments

DISCUSSION

15. Staff Comments

16. Adjourn – Next meeting is October 18, 2021

ACTION

2021 Board of Zoning Appeals Call to Order: Roll Call

Name	Term Expiration
Mark Brown	03/13/2024
James Burkhardt	03/31/2024
Rhonda Zimmers	01/06/2022
Dori Gaier	05/11/2022
Denise Williams	08/02/2022
Charles Harris	03/26/2022
Matthew Ryan	08/11/2023
Quorum - 4	

BOARD OF ZONING APPEALS

Springfield, Ohio

Monday, August 16, 2021

7:00 P.M.

City Hall Forum

Meeting Minutes

(Summary format)

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Burkhardt, Mr. Brown, Mr. Ryan Ms. Williams and Ms. Gaier.

MEMBERS ABSENT: Ms. Zimmers and Mr. Harris.

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator
Cheyenne Shuttleworth, Community Development Specialist.

* * * * *

SUBJECT: Approval July meeting minutes.

Ms. Gaier asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Gaier asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the minutes stand approved.

Case #21-A-33 Request from owner for a conditional use permit to use the property as a restaurant at 702 E. High St. in a CO-1 District.

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant seeks a conditional use permit to use the existing property as a restaurant.

The restaurant should provide 1 parking space per 4 seats. The applicant is planning to use the rear parcel and paved lot adjoining property to provide for a total of 20 parking spaces.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and

shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem

necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes, it does.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval. All building department issues will be reviewed during plan review process.
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	NA

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or the applicant's agent wished to speak.

Mr. Todd Fisher, 258 South Arlington Avenue. Springfield, Ohio.

Mr. Fisher stated Ms. Agwan made a good case and had nothing to add.

Ms. Williams asked what kind of restaurant it would be.

Mr. Fisher explained it would be a café style restaurant, serving breakfast and lunch.

Ms. Williams asked what the hours would be.

Mr. Fisher stated he was not exactly sure. Mr. Fisher explained there was a small commercial kitchen from previous uses of the building. Mr. Fisher explained it will need upgraded.

Mr. Rodney Coleman, 649 East High Street. Springfield, Ohio.

Mr. Coleman explained he lived across the street from the building. Mr. Coleman expressed that was for improving the neighborhood but there is a lot of drug activity in the neighborhood. Mr. Coleman explained what he had dealt with since living at his house and wanted to inform Mr. Fisher that the neighborhood is kind of rough. Mr. Coleman stated he was for the restaurant and welcomed new business.

Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Brown made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-33.

MOTION: Motion by Mr. Burkhardt to approve Case #21-A-33 Request from owner for a conditional use permit to use the property as a restaurant at 702 E. High St. in a CO-1 District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. No public opposition.
2. Good use of vacant building.
3. New business welcome.

YEAS: Mr. Ryan, Mr. Burkhardt, Mr. Brown, Ms. Williams and Ms. Gaier.

NAYS: None.

Motion approved.

Case #21-A-35 Request to use the property for Automobile and truck oriented use - convenience store/ fuel station at 1910 Mitchell Blvd. in a CC-2 District.

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to use the property as a gas station. The owner would install canopy and gas pumps after receiving approval. The said parcel was used as a gas station in the past.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations,

and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes, it does.

RETURNED REPORTS FROM STAFF:

Service/Engineering Department: Recommend approval. Will need to address drainage issues when improvements are made

Building Inspections:	Recommend approval. All building department issues will be taken care of in the plan review process.
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	NA

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions.

Mr. Ryan asked if there was a recommendation from the city manager's office.

Ms. Agwan stated there was not.

Ms. Gaier asked if there was a reason why the city manager's office didn't comment.

Mr. Thompson explained there had been a lot of changes in the city manager's office and that could be why.

Ms. Gaier asked if the board had any further questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Mr. Ray Patrick, Tri-State Maintenance, 6830 Chrisman Lane, Middletown, OH.

Mr. Patrick stated the owner just wished to enhance his property and create more revenue.

Ms. Gaier asked if the board had any questions. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

MOTION: Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Brown. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-35.

MOTION: Motion by Mr. Ryan to approve Case #21-A-35 Request to use the property for Automobile and truck oriented use - convenience store/ fuel station at 1910 Mitchell Blvd. in a

CC-2 District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. No public opposition.
2. Property in need of improvement.
3. Will increase business for property owner.

YEAS: Mr. Ryan, Mr. Burkhardt, Mr. Brown, Ms. Williams and Ms. Gaier.

NAYS: None.

Motion approved.

Board Comments: Ms. Williams asked if there had been any talk about doing meeting on Zoom. Mr. Thompson stated there had been talk about it but nothing confirmed.

Staff Comments: Mr. Thompson introduced Ms. Agwan to board members that were not present at the last meeting. Mr. Thompson explained he would no longer be doing the meetings, Ms. Agwan would be taking over. Mr. Thompson explained his new position as the Deputy Director of Community Development.

Subject: Adjournment

Ms. Williams made a motion to adjourn the meeting. Seconded by Mr. Burkhardt.

Ms. Gaier adjourned the meeting at 7:22 p.m.

Ms. Dori Gaier, Chairperson
Ms. Denise Williams, Vice-Chairperson

Agenda Item # 5

Case #21-A-32

Conditional Use

STAFF REPORT

TO: Board of Zoning Appeals

DATE: September 16, 2021

SUBJECT: **Case #21-A-32**

PREPARED BY: Stephen Thompson

GENERAL INFORMATION:

Applicant: Calibre Engineering, 10534 Success Lane, Ste F,
Centerville, OH 45458, Centerville, OH 45458

Owner: Zuber Crossing LLC, 10085 Wellington Blvd., Powell, OH
43065

Request: For a conditional use permit to construct a tire shop.

Location: 2202 N Bechtle Ave.

Size: 1.16 acres

Existing Land Use and Zoning: Undeveloped, zoned CC-2A

Surrounding Land Use and Zoning: North: Commercial, CC-2A
East: Commercial, CC-2A
South: Commercial, CC-2A
West: Commercial, CC-2 and Undeveloped, RS-5

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional
Uses
Chapter 1130.04 Conditional Uses

File Date: May 28, 2021

BACKGROUND:

When the original plan for this area was approved, it was designated to be a gas station.

The development is proposed to have access to the Hobby Lobby lot to the north.

The amended site plan; a tire shop; was approved unanimously by city planning board and is pending approval from the city commission.

The request had received a tie in votes at the July 19, 2021 BZA meeting.

RETURNED REPORTS FROM STAFF:

City Manager's Office:	Recommend denial; shall be detrimental to traffic flow and control.
City Service Department:	Recommend approval; developer must provide access to the Walmart parking lot before a building permit will be issued.
City Police Department:	Recommends approval with no objections.
City Fire Department:	Recommends approval with no objections.
City Building Department:	Recommend approval; all building comments will be addressed during the permit process.
City Community Development Department:	Recommends approval with no objections.

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

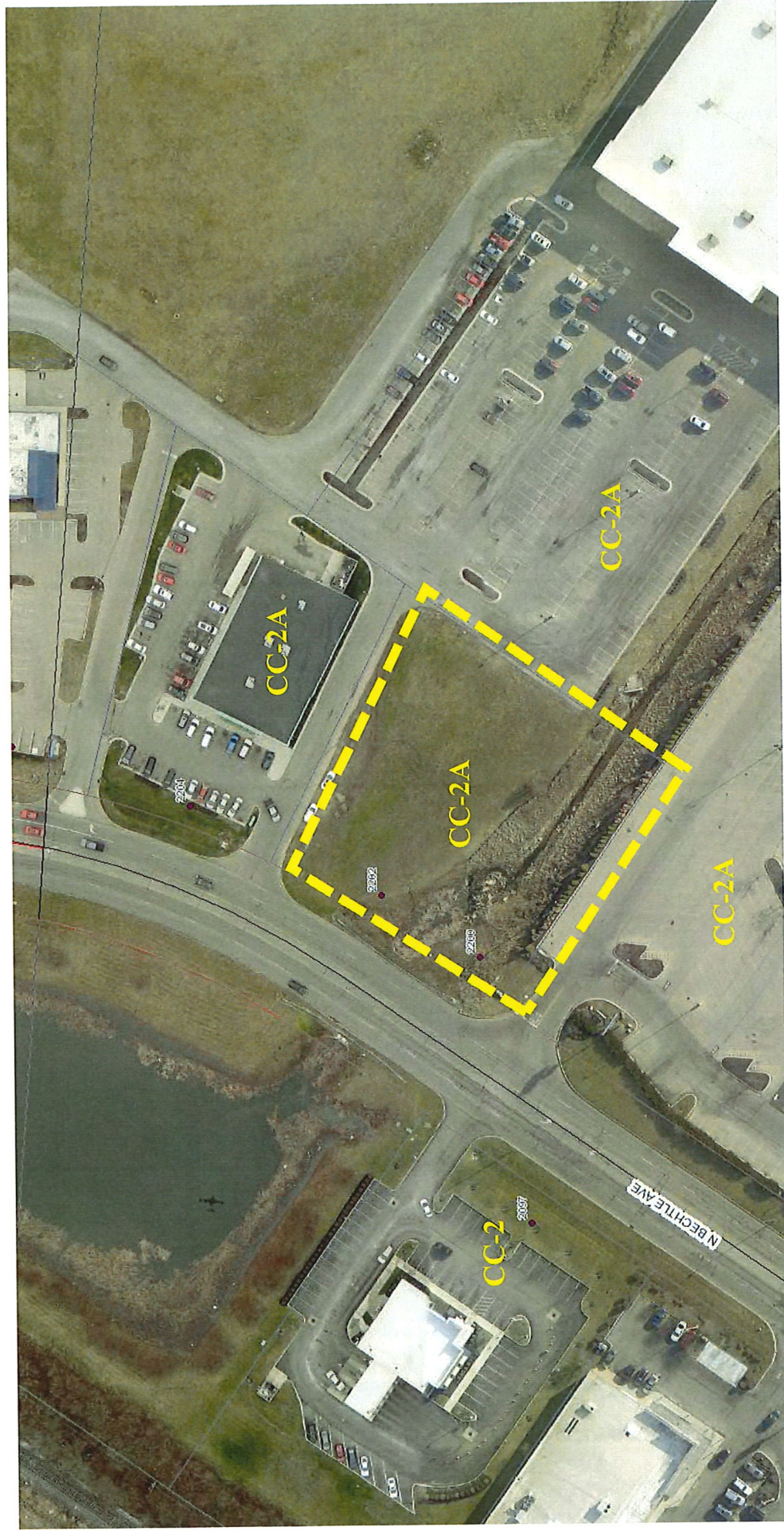
- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

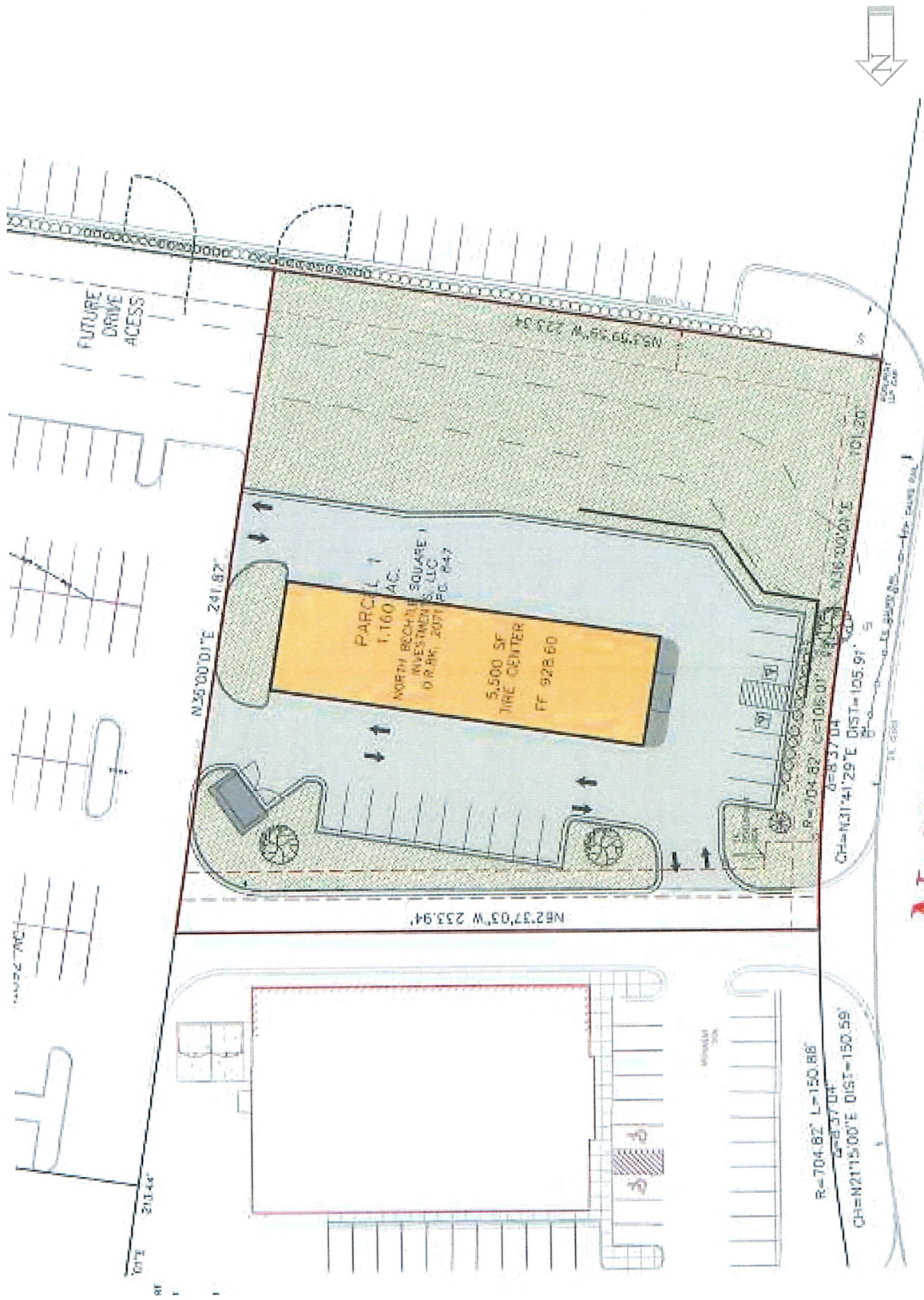
Staff recommends approval of the conditional use permit.

ATTACHMENTS:

1. Vicinity and zoning map
2. Application

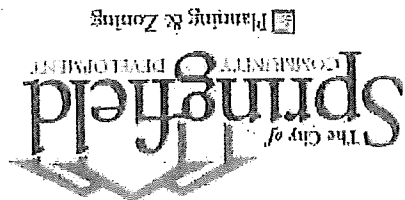


#21-A-32 Conditional Use request at 2202 N Bechtle Ave.



N. BECHTLE AVE.

#21-A-32 Conditional Use request at 2202 N Bechtle Ave.



GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description (attach additional information, if necessary):
Development of a tire center on a commercial outlot.

2. Address of Subject Property: 2202 N. Bechtie Avenue

3. Parcel ID Number(s): 3300600006100021

4. Full legal description attached? ☒ yes ☐ no

5. Size of subject property: 1.160 acres

6. Current Use of Property: Undeveloped

7. Current Zoning of Property: CC-2 A

B. APPLICANT

1. Applicant's Status (attach proof of ownership or agent authorization) ☐ Owner ☐ Tenant (agent authorization required)

☒ Agent (agent authorization required)

2. Name of Applicant(s) or Contact Person(s): Art Harden

Title: President

Company (if applicable): Calibre Engineering

Mailing address: 10534 Success Lane, Ste. F

City: Centerville State: OH ZIP: 45458

Telephone: (937) 885-9380

Email: callbreeng@aol.com

City of Springfield ■ Community Development Department ■ Planning & Zoning Division
City Hall, 2nd Floor • 76 E. High Street • Springfield, Ohio 45502
Phone: 937.324.7674 • Fax: 937.328.3558

FOR OFFICE USE ONLY	
Case #:	21-4-32
Date Received:	6/22/21
Received by:	ST
Application Fee:	\$ 265
Review Type:	<input checked="" type="checkbox"/> Admin <input type="checkbox"/> CFB <input checked="" type="checkbox"/> BZA

3. If the applicant is agent for the property owner:
Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____

ZIP: _____

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.

Signature of Applicant

Art Haden

Typed or printed name and title of applicant
Art Haden, President

Typed or printed name of co-applicant

Signature of Co-applicant

State of Ohio
County of *MONTGOMERY*

The foregoing instrument was acknowledged before me this *21st* day of
June, 2021

by *ART HADEN* (name of person acknowledged).

(seal)



KIMBERLY J. MORGAN
Notary Public, State of Ohio

My Comm. Expires *9-15-24*

Notary Public Signature

My commission expires: *9-15-24*



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
BOARD OF ZONING APPEALS APPLICATION

☒ Planning & Zoning

Date: June 21, 2021

Property address: 2202 N. Bechtie Avenue

Requested Action:

☒ Conditional Use
☐ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: 1118.04

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

To allow auto tire use under the CC-2A zoning.

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

The auto tire use is a conditional use based on the ordinance. The use

would be consistent with the tire service center at Walmart and NTB stores also

located along N. Bechtie Avenue.

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

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Phone: 937.324.7674 • Fax: 937.328.3558

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Phone: 937.324.7674 • Fax: 937.328.3558

Signature: Art Harden
Applicant
Date 06-22-2021
Please Print Name: Art Harden

DESCRIPTION OF
NORTH BECHTLE SQUARE I INVESTMENTS, LLC
PARCEL 1

CITY OF SPRINGFIELD, CLARK COUNTY, OHIO
CONTAINING 1.160 ACRES
FEBRUARY 16, 2015

Situate in Section 6, Town 4, Range 9 M.R.s, City of Springfield, County of Clark, State of Ohio, being part of a 32.545 acre tract of land conveyed to North Bechtle Square I Investments, LLC and described in O.R. Vol. 1712 Pg. 1460, more particularly bounded and described as follows (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Clark County Recorder's Office, unless noted otherwise):

Beginning at an iron pin (found) with a Woolpert cap at the northernmost corner of Lot 18973 in the North Bechtle Square Section 4 plat as recorded in Plat Cabinet 18 Page 69, said point also being in the east Right-of-Way line of North Bechtle Ave. (100.00' Right-of-Way);

thence along said east Right-of-Way line, North thirty-six degrees no minutes one second East (N36°00'01"E) for one hundred one and 20/100 feet (101.20') to an iron pin (found) with a Woolpert cap at a point of curvature;

thence continuing along said east Right-of-Way line on a curve to the left with a radius of seven hundred four and 82/100 feet (704.82') for an arc distance of one hundred six and 01/100 feet (106.01'), [chord bearing North thirty-one degrees forty-one minutes twenty-nine seconds East (N31°41'29"E) for one hundred five and 91/100 feet (105.91'), delta angle of said curve being eight degrees thirty-seven minutes four seconds (08°37'04")] to a 5/8" iron pin (set) with a EWH 8038 cap;

thence leaving said east Right-of-Way line along a new division line for the following three (3) courses:

1. South sixty-two degrees thirty-seven minutes three seconds East (S62°37'03"E) for two hundred thirty-three and 94/100 feet (233.94') to a 5/8" iron pin (set) with a EWH 8038 cap at an angle point;
2. South thirty-six degrees no minutes one second West (S36°00'01"W) for two hundred forty-one and 87/100 feet (241.87') to a 5/8" iron pin (set) with a EWH 8038 cap at an angle point;
3. North fifty-three degrees fifty-nine minutes fifty-nine second West (N53°59'59"W) for two hundred twenty-three and 34/100 feet (223.34') to the **The Point of Beginning**, containing one and 160/1000 (1.160) acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

This description was prepared from a field survey performed by Eric W. Hafer, P.S., Ohio Registered Surveyor No. 8038 dated _____, the survey plat of which is filed in Vol. _____ of the Clark County Engineer's Record of Land Divisions. Bearings are based on the north line of Springfield Commons Section Three being, South eighty-four degrees thirty-seven minute fifty-two seconds East (S84°37'52"E) as recorded in Plat Book 17 Page 272.

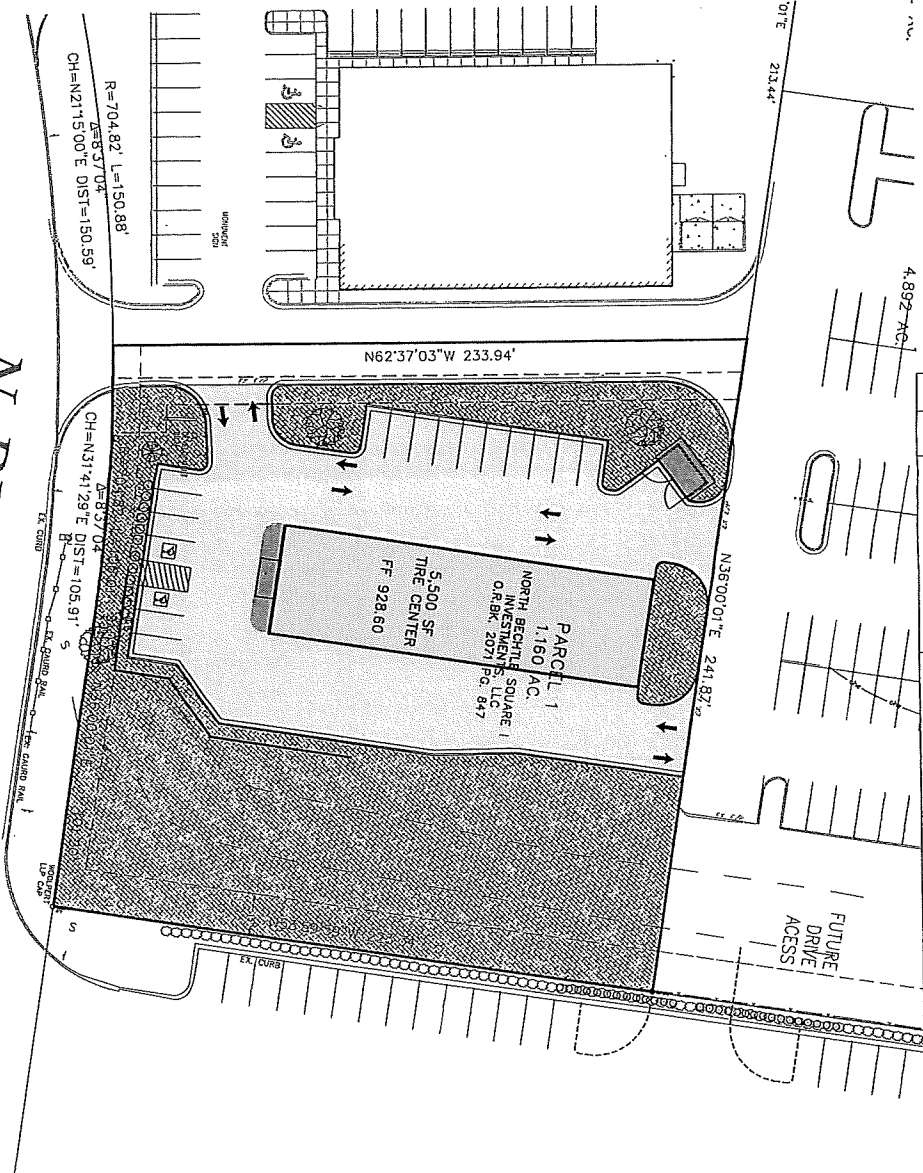
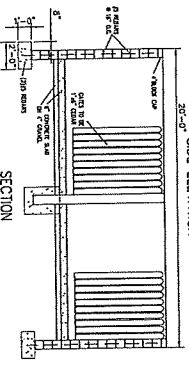
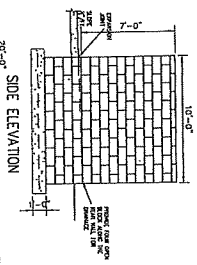
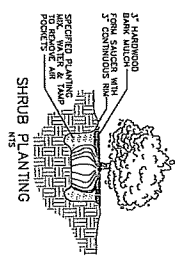
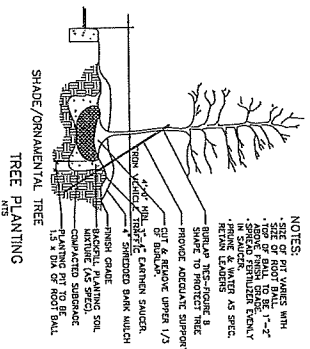
Eric W. Hafer, PS
date _____
Ohio Registered Surveyor #8038

DT RETAIL PROPERTIES LLC
DT RETAIL PROPERTIES LLC
ELLIOTT A HAYNE
NORTH BECHTLE SQUARE I INV LLC
RYAN, LLC
TEO REGALADO
WAL-MART PROPERTY TAX DEPARTMENT
WRIGHT PATT CREDIT UNION INC
ZUBER CROSSING LLC
Cailbre Engineering

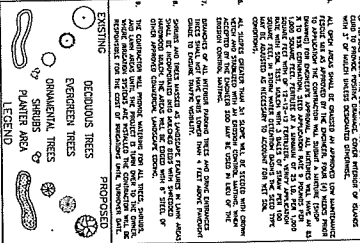
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500 VOLVO PKWY
20 TAMARIN LN
10085 WELLINGTON BLVD
PO BOX 460389 DEPT 125
PO BOX 16649
PO BOX 8050 MS 0555
PO BOX 340134
10085 WELLINGTON BLVD
10534 Success Lane, STE F

CHESAPEAKE VA 23320
CHESAPEAKE VA 23320
NOVATO CA 94945
POWELL OH 43065
HOUSTON TX 77056
LAS CRUCES NM 88004
BENTONVILLE AR 72712
BEAVERCREEK OH 45434
POWELL OH 43065
Centerville, OH 45458

KEY	TYPE	SCIENTIFIC NAME	COMMON NAME	SIZES	QUANTITY	COMMENTS
SS	SHRUB	SPRING SPRAUCE	SPRING SPRAUCE	2-3' CAL.	1	BAID
SH	SHRUB	ASH	ASH	2-3' CAL.	1	BAID
ST	SHRUB	STRAWBERRY	STRAWBERRY	2-3' CAL.	2	BAID
CV	SHRUB	SHRUB	SHRUB	2-3' CAL.	12	BAID



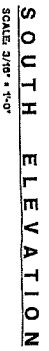
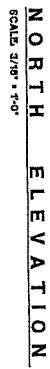
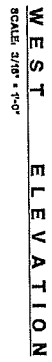
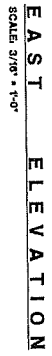
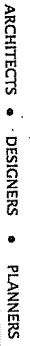
KEY	TYPE	SCIENTIFIC NAME	COMMON NAME	SIZES	QUANTITY	COMMENTS
SS	SHRUB	SPRING SPRAUCE	SPRING SPRAUCE	2-3' CAL.	1	BAID
SH	SHRUB	ASH	ASH	2-3' CAL.	1	BAID
ST	SHRUB	STRAWBERRY	STRAWBERRY	2-3' CAL.	2	BAID
CV	SHRUB	SHRUB	SHRUB	2-3' CAL.	12	BAID



No.	DATE	ISSUED	REV.
1			
2			
3			
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5			
6			
7			
8			
9			
10			

C-50
LANDSCAPE PLAN

Calibre Engineering
Springfield
Clark County, Ohio
North Bechtel Square 1, Inc., LLC.
11550 Bechtel Square Blvd.
Powell, Ohio 43065
614.537.4475

[illegible]

DATE & REVISION:	
PRELIMINARY AT	NOV. 21
PRELIMINARY #2	NOV. 23
#1	1
#2	1
#3	1
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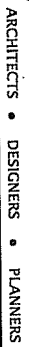
OHIO
PENNSYLVANIA
MICHIGAN
INDIANA
ILLINOIS
WISCONSIN
NORTH CAROLINA
SOUTH CAROLINA

Professional Engineer Seal for Travis P. Mayer, State of Ohio, License No. 12054.

7500/007 HPO	
Quaroon 8/75	
Quaroon 8/75	

NO. 117 1000

A-3

[illegible]

Agenda Item # 6

Case #21-A-36

Variance

STAFF REPORT

TO: Board of Zoning Appeals

DATE: September 16, 2021

SUBJECT: **Case #21-A-36**

PREPARED BY: Vaidehe Agwan

GENERAL INFORMATION:

Applicant: Tracy Barker, 1321 Sunset Ave, Springfield, Ohio. 45505

Owner: see Applicant.

Request: Variance from setback for front porch.

Location: 1321 Sunset Ave

Size: 0.286 acres

Existing Land Use and Zoning: Residential; RS-5

Surrounding Land Use and Zoning: North: Residential; RS-5
East: Commercial; CO-1
South: Residential; RS-5
West: Commercial, CC-2

Applicable Regulations: Chapter 1172.06 Variances.

File Date: August 11, 2021

BACKGROUND:

The applicant claims to have had no knowledge of setback requirements and had the contractors' complete work.

The front porch was found not in compliance while reviewing plans and applicant was notified. The applicant is stating economic hardship and health disability as a factor in considering the request.

RETURNED REPORTS FROM STAFF:

City Manager's Office: Recommends approval with no objections.

City Service Department: Recommends approval with no objections.

City Police Department: Recommends approval with no objections.

City Fire Department: Recommends approval with no objections.

City Building Department: Recommends approval with no objections.

City Community Development Department: Recommend Approval. (Refer point 2 of analysis)

ANALYSIS and STAFF RECOMMENDATION:

No variance from the strict application of any provision of this Springfield Zoning Code which permits the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located, shall be granted by the Board unless it finds that strict application of this Springfield Zoning Code would result in unnecessary hardship. The Board shall find unnecessary hardship only when all the following facts and conditions exist:

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

Staff Comment: Yes it can yield a reasonable return and there can be beneficial use of the property without the variance. There is a hardship since the porch is already built and the porch cannot be built within minimum setback.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

Staff Comment: The variance is not substantial. The length requested varies from minimum requirement by 20%. This is less than 28% that is considered for analyzing the request.

1150.03 (6) (b) A variance may not be granted for more than a 28 percent reduction of the required yard without applying other conditions of Chapter 1172.06.

3. An approval of the request will not alter or suffer a substantial detriment to the character of the neighborhood. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Staff Comment: No.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

Staff Comment: It will not.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Staff Comment: Owner was not aware of zoning restrictions.

6. There is no other feasible method of solving the property owner's predicament.

Staff Comment: No.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

Staff recommends approval of the variance request.

ATTACHMENTS:

- 3. Vicinity and zoning map
- 4. Application

STAFF REPORT



#21-A-36 Variance request at 1321 Sunset Ave.





#21-A-36 Variance request at 1321 Sunset Ave.



#21-A-36 Variance request at 1321 Sunset Ave.

**FOR OFFICE USE ONLY**

Case #: 51-100
Date Received: 8-17-11
Received by: JLS
Application Fee: \$ 57.00 pd
Review Type:
☐ Admin ☐ CPB ☒ BZA

GENERAL APPLICATION**A. PROJECT**

1. Application Type & Project Description (*attach additional information, if necessary*):

VARIANCE

2. Address of Subject Property: 1321 SUNSET AVE SPFLD, OH 45505

3. Parcel ID Number(s): _____

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: _____

6. Current Use of Property: OWNER OCCUPIED

7. Current Zoning of Property: _____

B. APPLICANT

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☒ Owner

☐ Agent (*agent authorization required*) ☐ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): TRACY BARKER

Title: _____

Company (if applicable): _____

Mailing address: 1321 SUNSET AVE

City: SPRINGFIELD State: OH ZIP: 45505

Telephone: (937) 591-0439 Fax: () _____

Email: tracy.barker000@gmail.com

3. If the applicant is agent for the property owner:

Name of Owner (title holder): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

Tracy Barker
Signature of Applicant

Signature of Co-applicant

TRACY BARKER
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 17th day of
August, 2021

by Rebecca A Carden (name of person acknowledged).

(seal)

Rebecca A Carden

Notary Public Signature

My commission expires: 7-25-25



REBECCA A CARDEN
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 07-25-25



■ Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: AUG. 11, 2021

Property address: 1321 SUNSET AVE, SPRINGFIELD OH 45505

Section of the Zoning code applicable: _____

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

IMPROVE THE LOOK AND VALUE OF MY
PROPERTY AND NEIGHBORHOOD.

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

WHEN I SIGNED THE CONTRACT WITH
MR. KEYTON, I ASSUMED HE KNEW THE
INS AND OUTS OF THE ZONING RULES. AS
HE ADVERTISES AS A DECK BUILDER AMONG
OTHER THINGS. HIM AND ONE OF HIS CONTRACTORS
STOLE OVER SIX THOUSAND DOLLARS FROM
ME AND I JUST FILED CHARGES ON HIM

IN SMALL CLAIMS COURT. I DIDN'T KNOW THE PORCH
WAS TH. BIG. I'M DISABLED ON A LIMITED INCOME

I TOOK OUT A HOME EQUITY LOAN TO HAVE THIS DONE
AND NOW I'M IN A POSITION THAT I CAN'T AFFORD TO FIX IT

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

IF I HAVE TO TAKE MORE MONEY FROM MY HOME EQUITY
LOAN TO MOVE THE PORCH, THE PAYMENTS TO THE
LOAN WILL GO UP, I WON'T BE ABLE TO MAKE THEM + RISK
LOSING MY HOME. I LIVE ON 1089.00 PER MONTH

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

THERE ARE LOTS OF PROPERTIES IN SPRINGFIELD
THAT ARE SO MUCH CLOSER TO THE PROPERTY
LINE THAN MINE. DON'T THEY HAVE TO MOVE?

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

I AM IN BETWEEN TWO BUSINESSES.
MAKING THE FRONT OF MY HOME BEAUTIFUL
WILL IN NO WAY CAUSE ANY SUFFERING +
WILL ONLY ADD MORE CHARACTER + CHARM.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

IT WILL NOT AFFECT THE DELIVERY
OF ANY SERVICE. IT'S JUST A PORCH.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

I HAD NO IDEA ABOUT THE ZONING RESTRICTIONS.
I ASSUMED THE BUILDER OF THE DECK
KNEW ALL THAT INFORMATION.

6. There is no other feasible method of solving the property owner's predicament.

I DO NOT HAVE THE MONEY TO FIND AND PAY
A NEW CONTRACTOR TO MOVE AND/OR
REBUILD MY PORCH

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

Tancy Bunker
Signature of Applicant

Signature of Co-applicant

Tancy Bunker
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 17th day of

August, 2021

by Rebecca A Carden (name of person acknowledged).

(seal)



REBECCA A CARDEN
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 07-25-25

Rebecca A Carden
Notary Public Signature

My commission expires: 7-25-25

Application Check List

Please review for completeness

ITEMS TO BE SUBMITTED:

- ☐ Proof of ownership or Property Owner Affidavit.
- ☐ General Application
- ☐ Site plan if necessary
- ☐ Fee of \$57 (residential) or \$285 (commercial). Fee must be submitted with the application.
- ☐ Board of Zoning Appeals - Variance Application.
- ☐ Please include the following Exhibits (Exhibits are to be attached and made part of the petition):
 - Exhibit A: A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. See sample site plan.

Fees must be submitted at the time of application.

Home Services Reviews Photos

- ① Your local painting and pressure washing company
- ① Full Service painting pressure washing.

⑤ Price Range · \$

🏠 House Painting · Deck & Patio Builder

Products

📁 Painting, deck restoration, pressure ...

See Less ^

Suggest Edits



Keyton Custom Painting
and Pressure Washing

Send Message



...

CUSTOMER NAME Tracy Barker ADDRESS 1321 Sunset Ave. CITY Springfield STATE OH PHONE 937-591-4439 DATE 3-23-21		KEYTON CUSTOM PAINTING AND PRESSURE WASHING (937) 360-5248 keytoncustompainting@gmail.com INVOICE # 1008	
DESCRIPTION OF WORK TO BE PERFORMED	COST		
-Demo old Awning & Dispose of			
-Build and Install New 24x8 Deck Arch w/white cap & 7x6			
-Remove Shrub and all Back to prepare for Deck install			
-Fix and repair Ext fence w/cedar w/chain planks (new)			
-Install New Screen door for front Door			
-Install Pre Fabed 10x10 Vinyl Pergola in Rear			
*Price includes all materials EXCEPT PERMITS.			
*Price includes Draining up of Project in order to get Permit			
*Price includes permit charges			
NOTES:	CUSTOMER CHANGE ORDER		
fixed X			
SUBTOTAL		15000.00	
DISCOUNT		Given	
TOTAL		15000.00	
DOWN PAYMENT		3000.00	
BALANCE DUE		12000.00	
20% DOWN PAYMENT IS REQUIRED ON ORDER TO SECURE LABOR AND SCHEDULE DATE			













3400700027212099 04/28/2017

Sketches

Code Descrp... Area	
Main B...	1152
28/54 MP...	54
28/54 MS...	24
55/35 UB...	126
26 MP...	186
28/54 MP...	48
3 EFP...	30

5	A6	8	A5	2	12	A4	9	6
(30)	B	(48)	8	11	8	(186)	14	
						A3	(129)	
48	5			14	9			

Main Building
(1152)

24

48

P A2 8 4 16 A1 18 4

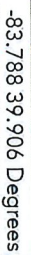


City of Springfield

Clark County, Ohio



All rights reserved



Tracey BARKER
All rights reserved
932-591-0439

Notes from Applicant (Tracy)

1411 Sunset Ave *

ADD on Front porch Enclosed

15 Feet From Side Walk

1321 Sunset Ave

20 Feet From Side Walk

1529 Sunset Ave

15.5 Feet From Sidewalk *

Enclosed Front Porch

1558 Sunset Ave Enclosed Front Porch 14 Feet From
Sidewalk

1554 Sunset Ave

Enclosed Front porch

14.5 Feet From Sidewalk

Agenda Item # 7

Case #21-A-37

Conditional Use

TO: Board of Zoning Appeals

DATE: September 16, 2021

SUBJECT: **Case #21-A-37**

PREPARED BY: Vaidehe Agwan

GENERAL INFORMATION:

Applicant: Thanh Le, Pho Xinh Co, LLC, 1125 Green Tree Dr,
Dayton, Ohio. 45429

Owner: Gary Thomas, 4624 N Plateau Dr., Springfield, Ohio.
45502

Request: Conditional use permit for an automobile and truck
oriented use (Gas Station).

Location: 1220 E Home Rd.

Size: 0.995 acres

Existing Land Use and Zoning: Commercial, CC-2

Surrounding Land Use and Zoning: North: Commercial; CO-1, OPD-H
East: Commercial; CO-1
South: Planned Development; PD
West: Commercial; CO-1

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional
Uses

File Date: August 31, 2021

BACKGROUND:

The applicant received rezoning approval to a CC2 zone which allows property use as gas stations under the automobile oriented uses as a conditional use.
The buyer plans to keep the existing office and add a convenience store, restaurant, car wash, and fuel pumps.

RETURNED REPORTS FROM STAFF:

City Manager's Office: No objections.

City Service Department: No objections.

City Police Department: No objections.

City Fire Department: Pending comments.

City Building Department: No objections.

City Community Development Department: Recommend approval. (Refer analysis)

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

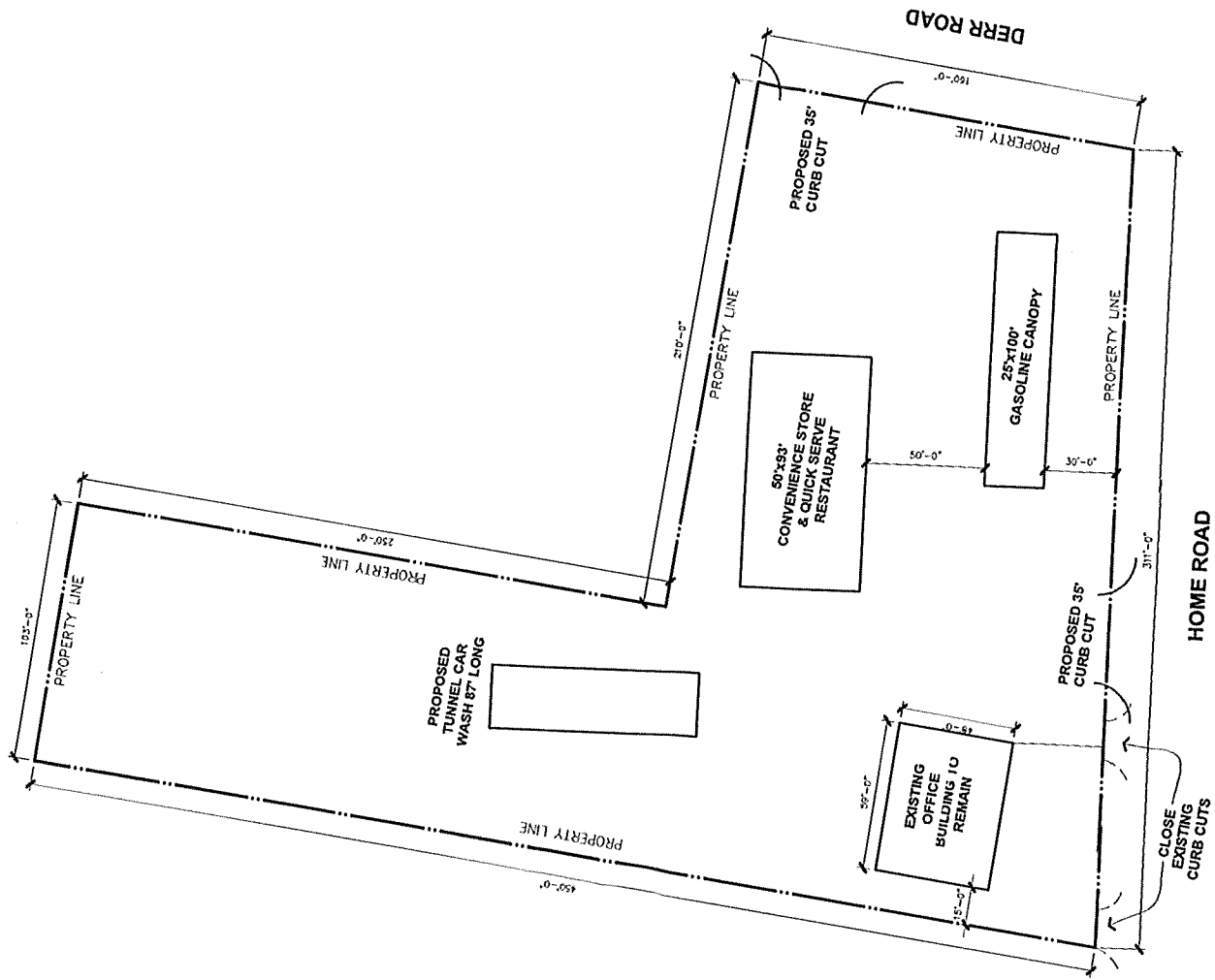
Staff Comment: Yes.

Staff recommends approval of the conditional use request.

ATTACHMENTS:

5. Vicinity and zoning map
6. Application

STAFF REPORT



#21-A-37 Conditional use request at 1220 E Home Rd.



#21-A-37 Conditional use request at 1220 E Home Rd.



FOR OFFICE USE ONLY

Case #: _____

Date Received: _____

Received by: _____

Application Fee: \$ _____

Review Type: _____

☐ Admin ☐ CPB ☐ BZA

GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description (*attach additional information, if necessary*):

Commercial property use for Gas Station

2. Address of Subject Property: 1220 E Home Rd, Springfield, OH 45503

3. Parcel ID Number(s): 3400300025314035, 3400300025314036, 3400300025314039

4. Full legal description attached? ☐ yes ☒ no

5. Size of subject property: 2.33

6. Current Use of Property: commercial building on 1 lot, vacant 2 lots

7. Current Zoning of Property: Commercial

B. APPLICANT

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☒ ~~XXXXXX~~ Buyer

☐ Agent (*agent authorization required*) ☐ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Thanh Le

Title: buyer of property

Company (if applicable): Pho Xinh Co, LLC

Mailing address: 1125 Green Tree Dr,

City: DAYTON, State: OH ZIP: 45429

Telephone: () ~~XXX-XXX-XXXX~~ 937.409.0716 Fax: () _____

Email TLE3609@gmail.com

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

3. If the applicant is agent for the property owner:

Name of Owner (title holder): Gary A Thomas

Mailing Address: 4624 N Plateau Dr

City: Springfield State: OH ZIP: 45502

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

Thanh Le
Signature of Applicant

Thanh Le

Typed or printed name and title of applicant

Signature of Co-applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 31 day of
August, 2021

by Rebecca A Carden (name of person acknowledged).

(seal)



REBECCA A CARDEN
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 07-25-25

Rebecca A Carden

Notary Public Signature

My commission expires: 7-25-2025



■ Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 8.30.2021

Property address: 1220 E HOME RD. SPRINGFIELD, OH 45503

Requested Action: ☒ Conditional Use
☐ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: COMMERCIAL-CONDITIONAL USE

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

TO SUPPLY QUALITY SERVICE TO
SURROUNDING AREA

Please include the following exhibits:



Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

SEE ATTACHED EXHIBIT "A" FOR
ADDED DETAILS OF USE.
ADDING JOBS & CONVENIENCE

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

Signature:  

Applicant Date

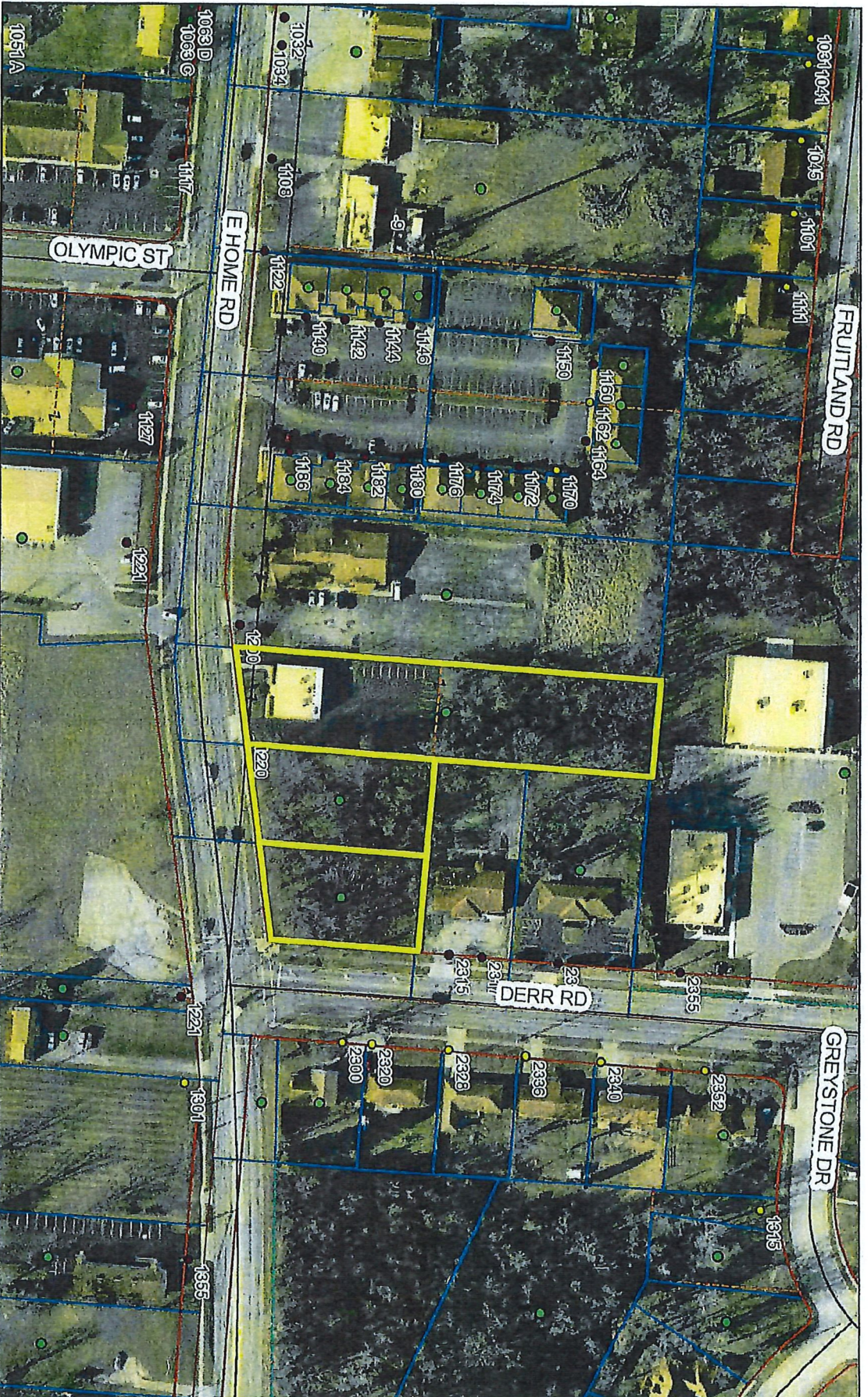
Please Print Name: Pho Xinh Co, LLC Thanh Le

EXHIBIT A

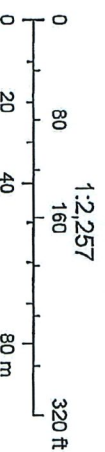
The purchaser of the property is planning to use the property as described below:

- The existing Office Building:
 - o This building will be used as an office building for the administrative offices of the purchasers trucking company named "Real Runna'Z LLC. US DOT 3589165.
 - o The warehouse lot for this business will be elsewhere.
 - o The area around the building will be changed very little.
- New Business:
 - o The site will be used to build a Convenience Store with gasoline dispensing, a quick serve restaurant, and a tunnel car wash.
 - o Convenience Store
 - Will be spacious and carry many convenience needs for local residents.
 - o Gasoline Service
 - Will offer Shell Brand gasoline and diesel fuel to residents in the area
 - o Quick Serve Restaurant
 - Will be known as "Louisiana Fried Chicken"
 - It will have carryout service and a few tables for eat-in service
 - o Car wash
 - Will be a high-quality tunnel car wash with vacuums for customer use
 - It will be located as shown on the submitted drawing beside the store and behind the office Building
- Site access and traffic
 - o We plan to close both the existing office building curb cuts on Home Road. In their place we will install one 35' curb cut with a left turn out lane, a right turn out lane, and an entrance lane. It will be located slightly toward the Home Road and Derr Road intersection from the existing office building curb cut on that side of the building.
 - o We plan to add a similar curb cut to the site on Derr Road near the back of the lot.
 - o These curb cuts will not significantly affect traffic flow on either road.
- Employment
 - o To staff the C-Store, the restaurant, and the office for the trucking company will add significant jobs for the operation of the site.

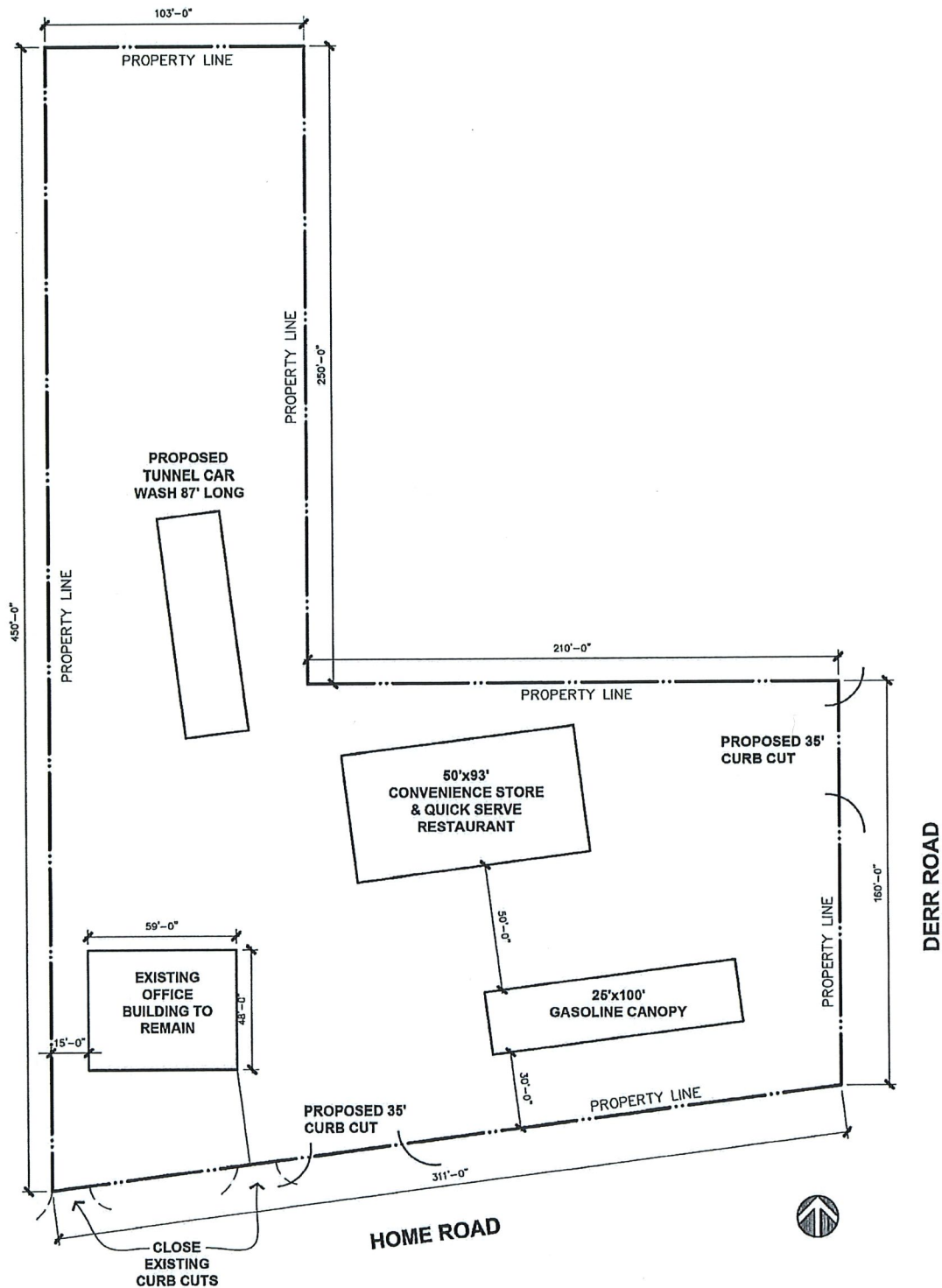
Clark County Ohio GIS



April 16, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Clark County GIS Department
Copyright 2020 Clark County Ohio GIS.



Agenda Item # 9

Case #21-A-39

Variance

TO: Board of Zoning Appeals

DATE: September 16, 2021

SUBJECT: **Case #21-A-39**

PREPARED BY: Vaidehe Agwan

GENERAL INFORMATION:

Applicant: James Jackson, Signs now Dayton, 3197 Beaver Vu Dr.,
Beavercreek, Ohio. 45434

Owner: Ohio Tri County Food Alliance, Second Harvest Food
Bank, 31 N Sycamore St., Springfield, Ohio. 45503

Request: Variance to install roof sign.

Location: 31 N Sycamore St

Size: 3.11 acres

Existing Land Use and Zoning: Commercial, CI-1

Surrounding Land Use and Zoning: North: Residential; RS-8
East: Commercial; CI-1
South: Commercial; CI-1
West: Commercial; CI-1

Applicable Regulations: Chapter 1172.06 Variances.

File Date: August 30, 2021

BACKGROUND:

The applicant is requesting to install a roof sign in CI-1 zone in a Commercial Arterial Sign District.

RETURNED REPORTS FROM STAFF:

City Manager's Office: No objections.

City Service Department: No objections.

City Police Department: Recommends approval with no objections.

City Fire Department: Pending comments.

City Building Department:

No objections.

City Community Development Department: Recommend Denial of the request. (Refer 2 of analysis)

ANALYSIS and STAFF RECOMMENDATION:

No variance from the strict application of any provision of this Springfield Zoning Code which permits the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located, shall be granted by the Board unless it finds that strict application of this Springfield Zoning Code would result in unnecessary hardship. The Board shall find unnecessary hardship only when all the following facts and conditions exist:

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

Staff Comment: The property in question can yield a reasonable return and there can be beneficial use of the property without the variance. There is no evident hardship as there are options to solve owner's predicament.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

Staff Comment: It is substantial. The sign proposed is prohibited under the zoning code ordinance of City of Springfield.

1155.02 (r) (3) Roof sign. A sign erected upon or above a roof of a building and affixed to the roof.
1155.05 (g) Prohibited signs- Roof signs.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Staff Comment: It will not have an impact on surrounding properties.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

Staff Comment: The request will not affect governmental services.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Staff Comment: Yes. The consulting sign agency approached city with questions on sign permit.

6. There is no other feasible method of solving the property owner's predicament.

Staff Comment: Yes there are options.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Staff Comment: No.

Staff recommends denial of the variance request.

ATTACHMENTS:

- 7. Vicinity and zoning map
- 8. Application

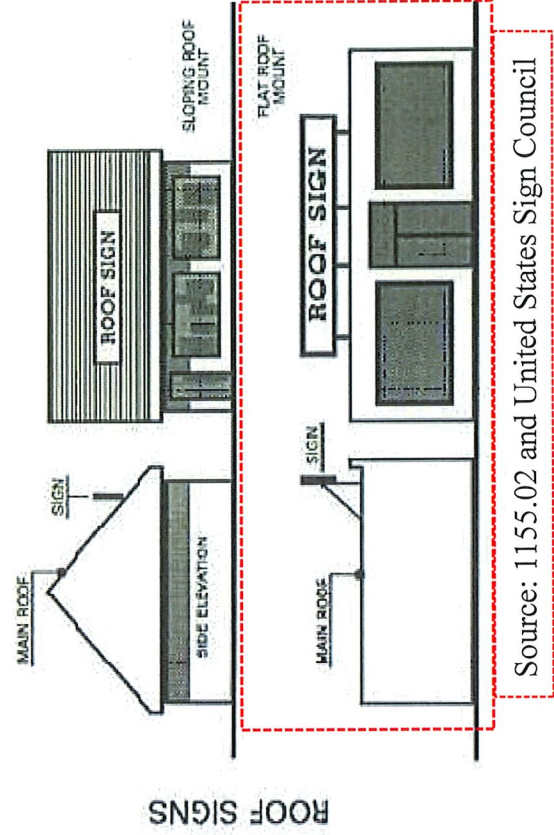
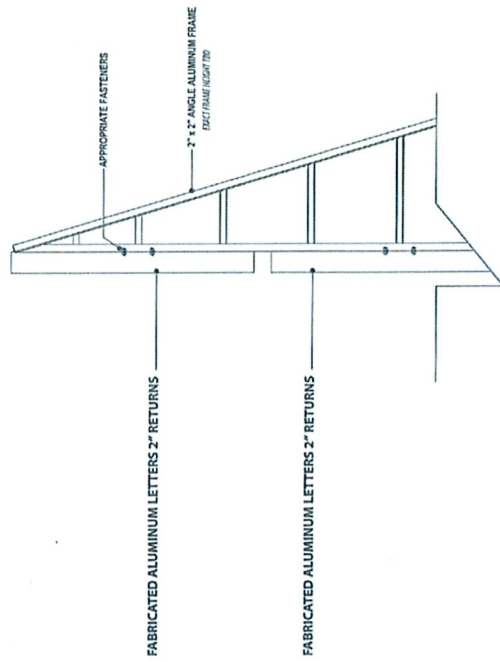
STAFF REPORT



Zoning: CI-1
Sign District: Commercial Arterial

#21-A-39 Variance request 31 N Sycamore St.





#21-A-39 Variance request 31 N Sycamore St.

**FOR OFFICE USE ONLY**

Case #: _____

Date Received: _____

Received by: _____

Application Fee: \$ _____

Review Type: _____

☐ Admin ☐ CPB ☐ BZA**GENERAL APPLICATION****A. PROJECT**

1. Application Type & Project Description (attach additional information, if necessary):

FABRICATED ALUMINUM LETTERS MOUNTED ON
ROOF ABOVE ENTRANCE TO SECOND HARVEST FOOD BANK

2. Address of Subject Property: 31 N Sycamore St.

3. Parcel ID Number(s): 34007000 35422020

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: _____

6. Current Use of Property: _____

7. Current Zoning of Property: _____

B. APPLICANT1. Applicant's Status (attach proof of ownership or agent authorization) ☐ Owner☒ Agent (agent authorization required) ☐ Tenant (agent authorization required)

2. Name of Applicant(s) or Contact Person(s): JAMES M JACKSON

Title: President

Company (if applicable): Signs Now Dayton

Mailing address: 3197 Beaver Vn Dr.

City: Beavercreek State: OH ZIP: 45434

Telephone: (937) 427-3431 Cell: (614) 513-667-2501 Fax: (614) 513-667-2501

Email: Jim@SignsNowDayton.com

City of Springfield ■ Community Development Department ■ Planning & Zoning Division
 City Hall: 2nd Floor • 76 E High Street • Springfield, Ohio 45502
 Phone: 937.324.7674 • Fax: 937.328.3558

3. If the applicant is agent for the property owner: (OHIO TRI COUNTY FOOD ALLIANCE)
Name of Owner (title holder): Second Harvest Food Bank
Mailing Address: 31 North Sycamore St.
City: SPRINGFIELD State: OH ZIP: 45503

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**


Signature of Applicant

JAMES M JACKSON

Typed or printed name and title of applicant

Signature of Co-applicant

Typed or printed name of co-applicant

State of Ohio

County of

Greene

The foregoing instrument was acknowledged before me this 30 day of
Aug, 2021

by James M. Jackson (name of person acknowledged).

(seal)



NAVPREET K. BASSI
Notary Public, State of Ohio
My Comm. Expires 08/11/2024
Recorded in Greene County


Notary Public Signature

My commission expires: 08/11/2024



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 8-30-2021

Property address: 31 N. Sycamore St.

Section of the Zoning code applicable: 1155.05

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Customer is seeking approval to put
non illuminated fabricated letters at
their entrance rooftop.

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

1) There is not another location at
the entrance where a sizeable sign
could be located.

2) Significant Sized Property which
accommodates sign sizing.

3) Enhances look of Property and
branding of Second Harvest Food Bank

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

Without proper signing it is difficult for Second Harvest Food bank to effectively identify itself in the community.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

There is significant property. This is a small modification

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

It will not impact character of neighborhood negatively but will enhance.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

No impact

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Property was not aware of requirement.

City of Springfield ■ Community Development Department ■ Planning & Zoning Division


6. There is no other feasible method of solving the property owner's predicament.

There is not room at the wall to
do significant signage

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Yes

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.


Signature of Applicant
James M. Jackson

Signature of Co-applicant

Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of Greene

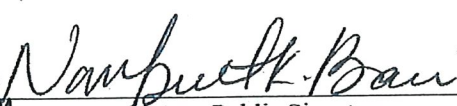
The foregoing instrument was acknowledged before me this 30 day of Aug, 2021

by James M. Jackson (name of person acknowledged).

(seal)



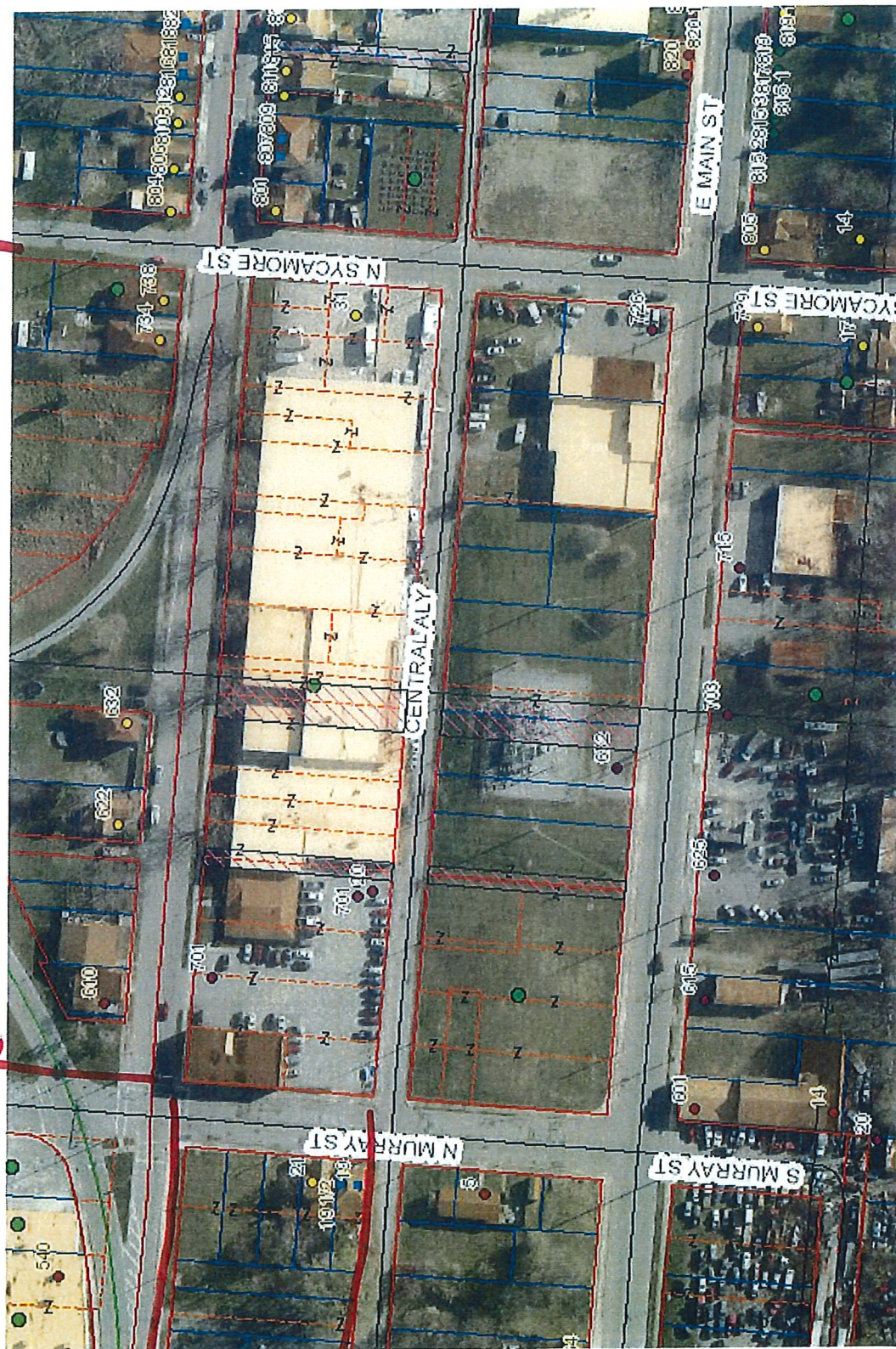
NAVPREET K. BASSI
Notary Public, State of Ohio
My Comm. Expires 08/11/2024
Recorded in Greene County


Notary Public Signature

My commission expires: 08/11/2024

City of Springfield ■ Community Development Department ■ Planning & Zoning Division
City Hall: 2nd Floor • 76 E High Street • Springfield, Ohio 45502
Phone: 937.324.7674 • Fax: 937.328.3558

750'



175'



(937) 427-3431

sales@signsnowdayton.com

3197 Beaver Vu Drive, Beavercreek, OH 45434

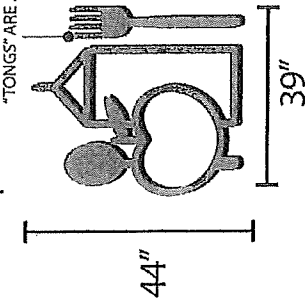
NON ILLUMINATED

FABRICATED ALUMINUM LETTERS 2" RETURNS

RAIL MOUNT 241"

Sign ①

"TONGS" ARE 9" WIDE



Second Harvest
Food Bank CCL

NEW

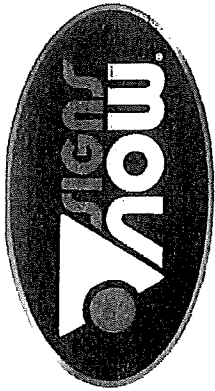


PANTONE 166 C

Your signature authorizes Signs Now of Beavercreek to produce the products described and rendered above. We will not produce any item without a written approval. Signs Now is only responsible for producing the item as approved on this proof. Customer to ensure spelling, quantity and colors. Critical colors should not be gauged by monitor color.

SIGNATURE: _____

DATE: _____

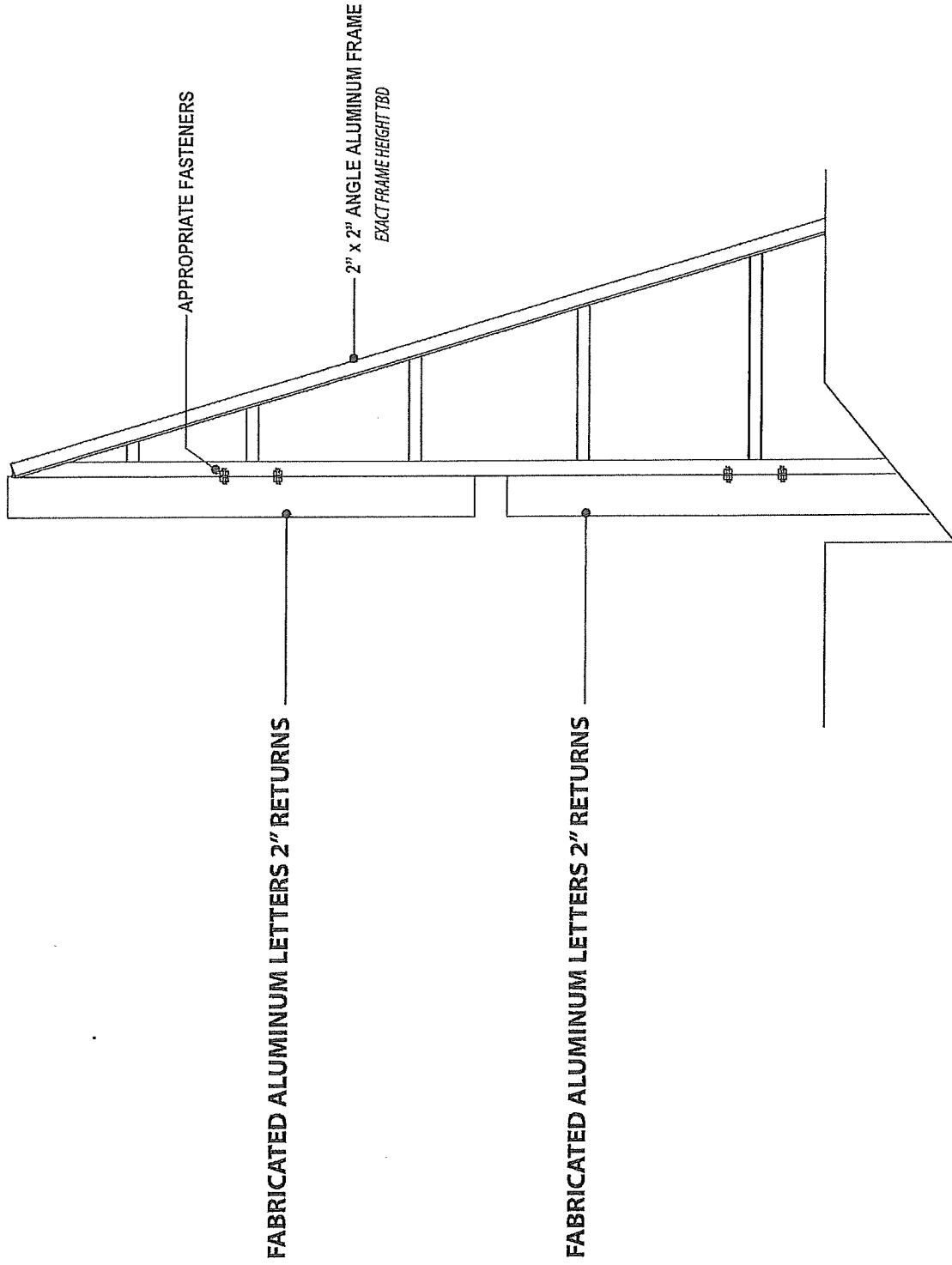


(937) 427-8431

sales@signsnowdayton.com

8197 Beaver Vu Drive, Beavercreek, OH 45434

Sign ①



Your signature authorizes Signs Now of Beavercreek to produce the products described and rendered above. We will not produce any item without a written approval. Signs Now is only responsible for producing the item as approved on this proof. Customer to ensure spelling, quantity and colors. Critical colors should not be gauged by monitor color.

SIGNATURE: _____

DATE: _____

Agenda Item # 10

Case #21-A-40

Conditional Use

TO: Board of Zoning Appeals

DATE: September 16, 2021

SUBJECT: **Case #21-A-40**

PREPARED BY: Vaidehe Agwan

GENERAL INFORMATION:

Applicant: Kevin O'Neill, 819 Linmuth Ct S, Springfield, Ohio. 45503

Owner: see Applicant.

Request: Conditional use permit to have dwelling units above a restaurant.

Location: 625 N Limestone St.

Size: 0.537 acres

Existing Land Use and Zoning: Commercial, CC-2

Surrounding Land Use and Zoning: North: Commercial, CC-2
East: Commercial; CO-1
South: Commercial; CO-1
West: Residential; RS-8

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses

File Date: August 14, 2021

BACKGROUND:

The applicant is requesting to use the upper floors of structure as apartments. The current use of space above the existing restaurant is used as a catering area. There were dwelling units that were converted to catering area in the past.

RETURNED REPORTS FROM STAFF:

City Manager's Office: Recommends approval.

City Service Department: Recommends approval.

City Police Department: Recommends approval.

City Fire Department: Pending comments.

City Building Department:

Recommends approval with no objections.

City Community Development Department: Recommends approval. (See analysis)

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

Staff recommends approval of the conditional use permit.

ATTACHMENTS:

- 9. Vicinity and zoning map
- 10. Application

STAFF REPORT



#21-A-40 Conditional Use request at 625 N Limestone St

**FOR OFFICE USE ONLY**

Case #: _____
Date Received: _____
Received by: _____
Application Fee: \$ _____
Review Type: _____
☐ Admin ☐ CPB ☐ BZA

GENERAL APPLICATION**A. PROJECT**

1. Application Type & Project Description (attach additional information, if necessary):
RETURN UPSTAIRS INTO (2) APARTMENTS AS IT WAS
BEFORE CONVERSION IN 2013. WE NO LONGER NEED UPSTAIRS
CATERING AREA.
2. Address of Subject Property: 625 N. LIMESTONE ST
3. Parcel ID Number(s): 340-07-00035-116-034
4. Full legal description attached? ☒ yes ☐ no
5. Size of subject property: _____
6. Current Use of Property: RESTAURANT / CATERING
7. Current Zoning of Property: CC-2

B. APPLICANT

1. Applicant's Status (attach proof of ownership or agent authorization) ☒ Owner
☐ Agent (agent authorization required) ☐ Tenant (agent authorization required)
2. Name of Applicant(s) or Contact Person(s): KEVIN O'NEILL
- Title: OWNER
- Company (if applicable): _____
- Mailing address: 819 LINMOTH CT S
- City: Springfield State: OHIO ZIP: 45503
- Telephone: (937) 206-1393 Fax: () _____
- Email: KEVIN32300@AOL.COM



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 8-14-24

Property address: 625 N. Limestone ST

Requested Action: ☒ Conditional Use
☐ Interpretation of the Zoning Code or Map
☐ Change of a Nonconforming Use
☐ Other

Section of the Zoning code applicable: _____

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

NO CHANGE IN EGRESS OR REGRESS
Re establish APARTMENTS THAT EXISTED
PRIOR TO RESTAURANT BEING ESTABLISHED

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

NO NEED FOR UPSTAIRS AREA TO
ACCOMMODATE LARGE NUMBER OF
PINEUS. SPACE WILL BE BETTER USED
AS APARTMENTS AS THEY WERE BEFORE.

Application Check List

Please review for completeness

ITEMS TO BE SUBMITTED:

- ☐ Proof of ownership or Property Owner Affidavit.
- ☐ General Application
- ☐ Site plan
- ☐ Fee of \$57 (residential) or \$285 (commercial). Fee must be submitted with the application.
- ☐ Board of Zoning Appeals Application
- ☐ Please include the following Exhibits (Exhibits are to be attached and made part of the petition):
 - Exhibit A: A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. See sample site plan.

Fees must be submitted at the time of application.

EXECUTOR'S DEED

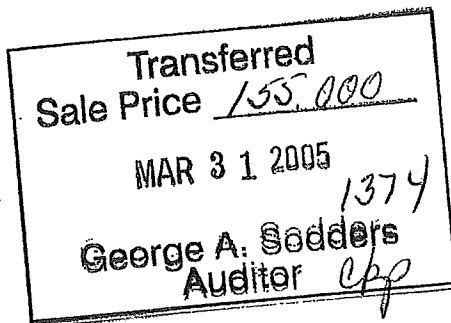
7/1
10944

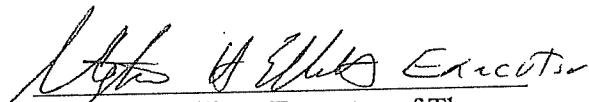
STEPHEN H. ELLIOTT, duly appointed Executor of the *Estate of JOHN W. ALLGIER*, II. Case No. 20040770 of the Probate Court of Clark County Ohio, by power conferred by the Will of JOHN W. ALLGIER II, and every other power grants, with fiduciary covenants, to **KEVIN O'NEILL and LINDA O'NEILL, Husband and Wife for their joint lives, remainder to the survivor of them**, whose tax-mailing address is 1001 Imperial Blvd., Spfld. OH 45503 the following **REAL PROPERTY**:

SEE ATTACHED EXHIBIT A

Prior instrument reference: Volume 293, Page 269 of the Deed of Records of Clark County, Ohio.

Executed this 25th day of March, 2005




Stephen H. Elliott, Executor of The
Estate of John W. Allgier II

200500006659
Filed for Record in
CLARK COUNTY, OH
NANCY FENCE
03-31-2005 At 10:24 am.
FIDUCIARY 28.00
OR Volume 1718 Page 1209 - 1210

STATE OF OHIO
COUNTY OF CLARK SS:

BE IT REMEMBERED, that on this 25th day of March, 2005, before me, the subscriber, a Notary Public in and for said state, personally came, Stephen H. Elliott, Executor of the Estate of John W. Allgier II, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, as such Co-Executors, for the uses and purposes mentioned therein set forth.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.



STEPHEN T. METZGER
CLARK COUNTY TREASURER
 A.B. GRAHAM BUILDING
 P.O. BOX 1305
 SPRINGFIELD, OHIO 45501-1305
 937-521-1832

We have incorporated several changes to our billing format. Please call if you have any questions. If you receive more than one envelope containing tax bills, please advise us of the correct mailing address.

REAL ESTATE TAX: TAX YEAR 2012



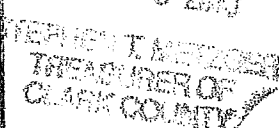
PROPERTY ADDRESS: 625 N LIMESTONE ST		STUB # 20423		PAGE 19169/3	
  KEVIN & LINDA J O NEILL 7 819 LINMUTH CT S SPRINGFIELD OH 45503-1903		PARCEL ID: 340-07-00035-116-034			
		TAX DISTRICT: SPRINGFIELD CORP. SCSD			
		OWNER NAME: (January 1) O NEILL KEVIN & LINDA			
		LEGAL DESCRIPTION: COLLEGE AVE / W SI LIMESTONE 140 1/2 N OF			
TAX RATES		MARKET VALUE		CURRENT TAXES	
EFFECTIVE TAX RATE 61.674444 GROSS TAX RATE 87.880000 HMSTD RED VALUE CLASSIFICATION R 530 ACRES 0.0000		Land 29,390	Building 78,930	Total 108,320	Gross Real Estate Tax 3,332.42 Reduction Factor -993.70 Subtotal 2,338.72 10% Rollback -233.88 Current Net Real Estate Taxes 2,104.84 Current Net Taxes & Asmts (Year) 2,104.84 Current Net Taxes & Asmts (Half) 1,052.42 <div style="text-align: center;"> PAID FEB - 8 2013  CLARK COUNTY </div>
TAXABLE VALUE		Land	Building	Total	
10,290	27,630	37,920			
HOMESTEAD	CAUV Value	TIF			
DISTRIBUTION		SPECIAL ASSESSMENT		PAYMENTS/CREDITS 0.00	
Clark County 470.53 Springfield Csd 1,332.10 Springfield Clark County Jvcd 83.70 Springfield City 139.58 Clark County Health & Library Levy 78.93	PROJ # AND DESCRIPTION TOTAL	DELINQUENT CURRENT	TOTAL REAL ESTATE TAX DUE 1,052.42		
		LAST DAY TO PAY WITHOUT PENALTY 02/08/2013		FULL YEAR AMOUNT \$2,104.84	

EXHIBIT A - LEGAL DESCRIPTION

Situate in the County of Clark, in the State of Ohio, and in the City of Springfield, and bounded and described as follows, viz:

TRACT I: Being part of Section 35, Township 5, Range No. 9, M.R.S. Beginning at a stone in the west side of The Springfield and Urbana Turnpike at the northeast corner of George H. Frey's lot; running thence north $10 \frac{1}{4}^{\circ}$ East with the west side of said turnpike 28 $\frac{1}{2}$ feet to a stone; thence with the west side of said turnpike north $5 \frac{3}{4}$ deg. E. 72 feet to a stone at the intersection of the south side of a 16 foot alley with said turnpike; thence running north $88 \frac{3}{4}$ deg. W. with the south marginal line of said alley 228 feet to a stone on the east side of an alley running north and south, 16 feet wide; thence with the east side of said alley south $\frac{3}{4}$ deg. W. 100 feet to a stone at G. H. Frey's northwest corner; thence with the north line of said lot south $88 \frac{3}{4}$ deg. E. 216 feet to the place of beginning, including the privilege of both the above described alleys.

TRACT II: Also the following described premises:

Being part of the section, township and range above named, beginning at E. B. Cassilly's northwest corner; thence with the north line, south $88 \frac{1}{4}$ deg. east two hundred (200) feet; thence north one degree east one hundred (100) feet to a stone; thence with the south side of a contemplated alley N. $88 \frac{1}{4}$ deg. West two hundred (200) feet to a stone; thence south one degree west one hundred (100) feet to the place of beginning.

TRACT III: Also all the right, title and interest of John E. Fox in and to the following described real estate, being a strip of ground sixteen (16) feet in width and one hundred (100) feet in length, lying between the two tracts above described, and more particularly described as follows:

Beginning at the northwest corner of said first above described tract; thence south with the west line of said tract to the southwest corner of said tract; thence west with the south line of said first tract extended, west sixteen (16) feet more or less to the southeast corner of the second tract above described; thence with the east line of said second tract north one hundred (100) feet to the northeast corner of said second tract; thence with the north line of said second tract extended, east sixteen (16) feet to the place of beginning.

This third tract embraces certain land formerly within the limits of a public alley, which was vacated by Ordinance of the City of Springfield, Ohio. No.2518, passed July 11,1927, recorded in Vol. 18, page 178, of the Ordinance Records.

EXCEPTING FROM TRACT II: above the following described premises as conveyed by the Grantors herein to Edwin F. Oblinger and Elizabeth G. Oblinger, by deed recorded in Vol. 501, page 19, Deed Records, Clark County, Ohio:

Situate in the City of Springfield, in the County of Clark and State of Ohio, and bounded and described as follows:

Being part of the Northeast and Northwest Quarter of Section 35, Township 5, Range 9, M.R.S.

Beginning at an iron pipe in the South line of a 16 foot alley; at the Northeast corner of the premises of Edwin F. Oblinger as the same are described in Vol. 430 Page 259 of the Deed Records of Clark County, Ohio; said pipe being N. $88^{\circ} 45'$ W. 444.00 feet from the intersection of the South line of said alley with the West line of North Limestone St.; thence with the South line of said alley, S. $88^{\circ} 45'$ E. 60.00, feet to an iron pipe; thence S. 0° deg. $45'$ W. 100.00 feet to an iron pipe; thence N. $88^{\circ} 45'$ W. 60.00 feet to an iron pipe in the east line of said Edwin Oblinger; thence with said East line, N. 0° deg. $45'$ E. 100.00 feet to the place of beginning, containing 0.14 of an acre.

PPN 340-07-00035-116-034

PPN 340-07-00035-116-033

APPROVED
CLARK COUNTY LIS

B.S.

MAR 31 2005

☒ LEGAL DESCRIPTION
☐ SURVEY PLAT/LOT SP..IT
☐ SUBDIVISION/ANNEXATION

EXHIBIT A - LEGAL DESCRIPTION

Situate in the County of Clark, in the State of Ohio, and in the City of Springfield, and bounded and described as follows, viz:

TRACT I: Being part of Section 35, Township 5, Range No. 9, M.R.S. Beginning at a stone in the west side of The Springfield and Urbana Turnpike at the northeast corner of George H. Frey's lot; running thence north $10 \frac{1}{4}^{\circ}$ East with the west side of said turnpike 28 $\frac{1}{2}$ feet to a stone; thence with the west side of said turnpike north $5 \frac{3}{4}$ deg. E. 72 feet to a stone at the intersection of the south side of a 16 foot alley with said turnpike; thence running north $88 \frac{3}{4}$ deg. W. with the south marginal line of said alley 228 feet to a stone on the east side of an alley running north and south, 16 feet wide; thence with the east side of said alley south $\frac{3}{4}$ deg. W. 100 feet to a stone at G. H. Frey's northwest corner; thence with the north line of said lot south $88 \frac{3}{4}$ deg. E. 216 feet to the place of beginning, including the privilege of both the above described alleys.

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Being part of the section, township and range above named, beginning at E. B. Cassilly's northwest corner; thence with the north line, south $88 \frac{1}{4}$ deg. east two hundred (200) feet; thence north one degree east one hundred (100) feet to a stone; thence with the south side of a contemplated alley N. $88 \frac{1}{4}$ deg. West two hundred (200) feet to a stone; thence south one degree west one hundred (100) feet to the place of beginning.

TRACT III: Also all the right, title and interest of John E. Fox in and to the following described real estate, being a strip of ground sixteen (16) feet in width and one hundred (100) feet in length, lying between the two tracts above described, and more particularly described as follows:

Beginning at the northwest corner of said first above described tract; thence south with the west line of said tract to the southwest corner of said tract; thence west with the south line of said first tract extended, west sixteen (16) feet more or less to the southeast corner of the second tract above described; thence with the east line of said second tract north one hundred (100) feet to the northeast corner of said second tract; thence with the north line of said second tract extended, east sixteen (16) feet to the place of beginning.

This third tract embraces certain land formerly within the limits of a public alley, which was vacated by Ordinance of the City of Springfield, Ohio. No.2518, passed July 11,1927, recorded in Vol. 18, page 178, of the Ordinance Records.

EXCEPTING FROM TRACT II: above the following described premises as conveyed by the Grantors herein to Edwin F. Oblinger and Elizabeth G. Oblinger, by deed recorded in Vol. 501, page 19, Deed Records, Clark County, Ohio:

Situate in the City of Springfield, in the County of Clark and State of Ohio, and bounded and described as follows:

Being part of the Northeast and Northwest Quarter of Section 35, Township 5, Range 9, M.R.S.

Beginning at an iron pipe in the South line of a 16 foot alley; at the Northeast corner of the premises of Edwin F. Oblinger as the same are described in Vol. 430 Page 259 of the Deed Records of Clark County, Ohio; said pipe being N. $88^{\circ} 45'$ W. 444.00 feet from the intersection of the South line of said alley with the West line of North Limestone St.; thence with the South line of said alley, S. $88^{\circ} 45'$ E. 60.00, feet to an iron pipe; thence S. $0^{\circ} 45'$ W. 100.00 feet to an iron pipe; thence N. $88^{\circ} 45'$ W. 60.00 feet to an iron pipe in the east line of said Edwin Oblinger; thence with said East line. N. $0^{\circ} 45'$ E. 100.00 feet to the place of beginning, containing 0.14 of an acre.

PPN 340-07-00035-116-034

PPN 340-07-00035-116-033

APPROVED
CLARK COUNTY LIS

B.S.

MAR 31 2005

- ☒ LEGAL DESCRIPTION
☐ SURVEY PLAT/LOT SPLIT
☐ SUBDIVISION/ANNEXATION

EXHIBIT A - LEGAL DESCRIPTION

Situate in the County of Clark, in the State of Ohio, and in the City of Springfield, and bounded and described as follows, viz:

TRACT I: Being part of Section 35, Township 5, Range No. 9, M.R.S. Beginning at a stone in the west side of The Springfield and Urbana Turnpike at the northeast corner of George H. Frey's lot; running thence north $10\frac{1}{4}^{\circ}$ East with the west side of said turnpike 28 $\frac{1}{2}$ feet to a stone; thence with the west side of said turnpike north $5\frac{3}{4}$ deg. E. 72 feet to a stone at the intersection of the south side of a 16 foot alley with said turnpike; thence running north $88\frac{3}{4}$ deg. W. with the south marginal line of said alley 228 feet to a stone on the east side of an alley running north and south, 16 feet wide; thence with the east side of said alley south $\frac{3}{4}$ deg. W. 100 feet to a stone at G. H. Frey's northwest corner; thence with the north line of said lot south $88\frac{3}{4}$ deg. E. 216 feet to the place of beginning, including the privilege of both the above described alleys.

TRACT II: Also the following described premises:

Being part of the section, township and range above named, beginning at E. B. Cassilly's northwest corner; thence with the north line, south $88\frac{1}{4}$ deg. east two hundred (200) feet; thence north one degree east one hundred (100) feet to a stone; thence with the south side of a contemplated alley N. $88\frac{1}{4}$ deg. West two hundred (200) feet to a stone; thence south one degree west one hundred (100) feet to the place of beginning.

TRACT III: Also all the right, title and interest of John E. Fox in and to the following described real estate, being a strip of ground sixteen (16) feet in width and one hundred (100) feet in length, lying between the two tracts above described, and more particularly described as follows:

Beginning at the northwest corner of said first above described tract; thence south with the west line of said tract to the southwest corner of said tract; thence west with the south line of said first tract extended, west sixteen (16) feet more or less to the southeast corner of the second tract above described; thence with the east line of said second tract north one hundred (100) feet to the northeast corner of said second tract; thence with the north line of said second tract extended, east sixteen (16) feet to the place of beginning.

This third tract embraces certain land formerly within the limits of a public alley, which was vacated by Ordinance of the City of Springfield, Ohio. No.2518, passed July 11,1927, recorded in Vol. 18, page 178, of the Ordinance Records.

EXCEPTING FROM TRACT II: above the following described premises as conveyed by the Grantors herein to Edwin F. Oblinger and Elizabeth G. Oblinger, by deed recorded in Vol. 501, page 19, Deed Records, Clark County, Ohio:

Situate in the City of Springfield, in the County of Clark and State of Ohio, and bounded and described as follows:

Being part of the Northeast and Northwest Quarter of Section 35, Township 5, Range 9, M.R.S.

Beginning at an iron pipe in the South line of a 16 foot alley; at the Northeast corner of the premises of Edwin F. Oblinger as the same are described in Vol. 430 Page 259 of the Deed Records of Clark County, Ohio; said pipe being N. $88^{\circ} 45' W.$ 444.00 feet from the intersection of the South line of said alley with the West line of North Limestone St.; thence with the South line of said alley, S. $88^{\circ} 45' E.$ 60.00, feet to an iron pipe; thence S. $0^{\circ} 45' W.$ 100.00 feet to an iron pipe; thence N. $88^{\circ} 45' W.$ 60.00 feet to an iron pipe in the east line of said Edwin Oblinger; thence with said East line, N. $0^{\circ} 45' E.$ 100.00 feet to the place of beginning, containing 0.14 of an acre.

PPN 340-07-00035-116-034

PPN 340-07-00035-116-033

APPROVED
CLARK COUNTY LIS

B.S.

MAR 31 2005

- ☒ LEGAL DESCRIPTION
☐ SURVEY PLAT/LOT SP.LIT
☐ SUBDIVISION/ANNEXATION

Agenda Item # 12

Case #21-A-42

Conditional Use



#21-A-42 Conditional Use request at 950 N Bechtle Ave



TO: Board of Zoning Appeals

DATE: September 16, 2021

SUBJECT: **Case #21-A-42**

PREPARED BY: Vaidehe Agwan

GENERAL INFORMATION:

Applicant: Brandon James, James Flooring LLC, 950 N Bechtle Ave,
Springfield, Ohio. 45504

Owner: Buckeye Global Investments LLC, 950 N Bechtle Ave,
Springfield, Ohio. 45504

Request: Conditional use permit to have multi-color electronic
message centers (2 faces) installed on existing pole.

Location: 950 N Bechtle Ave.

Size: 0.065 acres

Existing Land Use and Zoning: Commercial, CC-2

Surrounding Land Use and Zoning: North: Commercial, CC-2
East: Commercial; CC-2A
South: Commercial; CC-2
West: Commercial, CC-2

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional
Uses

File Date: August 30, 2021

BACKGROUND:

The applicant is requesting to install a multi-color electronic message center in a CC-2 zone in a Commercial Arterial Sign District. The sign would mount onto existing pole on property.

RETURNED REPORTS FROM STAFF:

City Manager's Office: Recommends approval with no objections.

City Service Department: Recommends approval with no objections.

City Police Department: Recommends approval with no objections.

City Fire Department: Recommends approval with no objections.

City Building Department: Recommends approval with no objections.

City Community Development Department: Recommends approval. (Refer analysis)

ANALYSIS and STAFF RECOMMENDATION:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: No.

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

Staff recommends approval of the conditional use permit.

ATTACHMENTS:

- 11. Vicinity and zoning map
- 12. Application



☒ Planning & Zoning

FOR OFFICE USE ONLY

Case #: _____

Date Received: _____

Received by: _____

Application Fee: \$ _____

Review Type: _____

☒ Admin ☐ CPB ☐ BZA

GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description (*attach additional information, if necessary*):

Replacement sign pole and faces. Both faces would be digital message centers

2. Address of Subject Property: 950 N Bechtle Ave Springfield, Ohio 45504

3. Parcel ID Number(s): See attached

4. Full legal description attached? ☒ yes ☐ no

5. Size of subject property: .703 Acres

6. Current Use of Property: Retail Flooring Store

7. Current Zoning of Property: 429 OTHER RETAIL STRUCTURES

B. APPLICANT

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☒ Owner

☐ Agent (*agent authorization required*) ☐ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Brandon James 937-408-7480

Title: President

Company (if applicable): James Flooring LLC / Buckeye Global Investments LLC

Mailing address: 950 N Bechtle Ave

City: Springfield State: Ohio ZIP: 45504

Telephone: (937) 408-7480 Fax: (937) 325-5836

Email

BJ@JFSpringfield.com

3. If the applicant is agent for the property owner:

Name of Owner (title holder): Buckeye Global Investments LLC

Mailing Address: 950 N Bechtle Ave

City: Springfield State: OH ZIP: 45504

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

[Signature]
Signature of Applicant

Brandon James President

Typed or printed name and title of applicant

Signature of Co-applicant

Typed or printed name of co-applicant

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 4th day of
August, 2021

by Brandon James (name of person acknowledged).

(seal)



JULIE M. BRANNON
Notary Public, State of Ohio
My Commission Expires
May 29, 2022

Julie M. Brannon
Notary Public Signature

My commission expires: May 29, 2022



■ Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

*cond use
for sign
face
replacement*
~~\$205~~
~~pending~~

Date: 07/31/21

Property address: 950 N Bechtle Ave Springfield, Ohio 45504

Requested Action: XX Conditional Use
 Interpretation of the Zoning Code or Map
 Change of a Nonconforming Use
 Other

Section of the Zoning code applicable: _____

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Replacement of current damaged signage with a double sided electronic message center that is

capable of single and multiple colors.

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

Due to the current hardships in maintaining a profitable retail store in the current enviroment and hiring adequate

staff, we feel that a dual sided electronic message center will be a useful tool to increase awareness of our brand,

recruit new hires and increase tax revenue for state and local agencies. We believe a properly managed

electronic message center can be a useful tool that blends into it's surroundings.

Signature: _____

Applicant

8/6/21
Date

Please Print Name: Brandon James



Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.



Signage for Your Business.

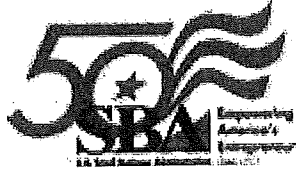
The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.,
have joined together to create this information for you, the
business owner.

Effective signage is a critical component of your retail business'
success, and can contribute to the success of all businesses.

In today's very competitive business environment,
good on-premise signage is essential to helping achieve
business vitality.

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
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50 YEARS OF SERVICE
To
AMERICA'S SMALL BUSINESS
THE U.S. SMALL BUSINESS ADMINISTRATION, 1953-2003

*Since its founding on July 30, 1953, the U.S. Small Business Administration
has delivered about 20 million loans, loan guarantees, contracts, counselin
sessions and other forms of assistance to small businesses.*

Mission

Maintain and strengthen the nation's economy by aiding, counseling
assisting and protecting the interests of small businesses and by
helping families and businesses recover from national disasters

More Information About SBA
and the content from this paper may be found on the
United States Small Business Administrative Web Site.

www.SBA.gov

<http://www.sba.gov/starting/signage/text/emc.html>

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.



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Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.



What are EMCs?

Electronic variable message centers are computerized programmable electronic visual communication devices. They are capable of storing and displaying multiple messages in dozens of formats and at varying intervals. Similar to reader boards, they allow their owners to change copy frequently, but without the cost of replacing missing or broken letters, and without the physical labor involved in changing copy.

An Answer to the Challenge of Changing Demographics

The public - your existing and potential customers - is on the move, both literally and figuratively, and sometimes catching their attention is like hitting a moving target. Consider that approximately 18.6% of Americans move every year. Whether they move a short or long distance, they usually change their basic trade area. Add to that the fact that 15-35% of the traffic on a given street is "just passing through" (vacation travelers and such), and you can see the great potential for single stops by those unfamiliar with the area.

An electronic or variable message center offers a unique way to capture the attention of these passers-by. An EMC allows you to communicate more effectively with the typical person passing by at a particular time day by changing the message and graphic of your sign to match the profile on the street.

This kind of flexibility increases the readership of a message unit, as it can correspond to the traffic profile by the day of the week, the time of day, or the season. With the right software,

virtually any message can be created and displayed.

The demand by businesses for these electronic or variable message centers is increasing because these signs improve the economic viability of difficult commercial sites with limited space. Municipalities that wish to prevent urban sprawl or deterioration of urban land are passing enabling acts that require optimization of urban space, and thus are more willing to look at EMCs as a signage option for businesses.

Features and Advantages of EMCs

- Unlimited number of message changes and variable controls result in lower labor cost and elimination of the physical liabilities often associated with copy changes on traditional reader boards.
- Variable messages as people pass by, allowing greater flexibility in communicating to the public.
- Flexibility means your business can advertise specials while also displaying public service information or other items of public interest.
- These signs can quickly "brand" your business site in the local community.
- Investment in your business and provide the best and most cost-effective forms of paid advertising. The only form of advertising that may be more powerful is word of mouth
- Effectiveness of an EMC not limited by space or surface area constraints as with a reader-board.
- EMCs act as your "salesman on the street," attracting new customers to your business location.
- Allows you to market your products and services to your immediate trade area and prevent wasteful advertising expenses.
- Business owners can change the message as needed to provide information to specific retail customers, and can be used for political, social or community events.
- Software is available that enables business owners to display sophisticated logos or images on the EMC precisely as planned.

In summary... Although they may require a greater initial investment, electronic message centers offer many different advantages for the business owner to consider.

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
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Frequently Asked Questions

How are message centers used?

Message centers are used by businesses that want the flexibility to control their own graphics and message unit and be able to change their communication to meet their needs and the needs of their customers.

- Large Corporations - have used such devices for years, in forums ranging from sports stadiums to Times Square. They like the ability to advertise their products in a dynamic format in which they can change their messages frequently and easily.
- State Highway Departments have also realized the value of electronic message centers, and are increasingly using them to inform and direct traffic in large metropolitan areas, thereby easing traffic congestion and increasing traffic safety. Large-scale urban studies are currently being done to expand message center use in this area, with other "intelligent" components, to create integrated intelligent transportation systems. Under the Manual on Uniform Traffic Control Devices (MUTCD), they are used for regulatory, warning, and guidance purposes related to traffic control.
- Local Banks have for years used the familiar time and temperature units.
- Small Businesses are quickly realizing the advertising power of these dynamic visual communications devices as most people in a community look at the signs frequently. Although EMCs have been quite expensive in the past, often costing around \$30,000 or more for a small, simple unit, recent technological breakthroughs have drastically reduced production and operating costs, bringing them within an affordable range.
- Entertainment establishments, restaurants, casinos, and theme parks use EMCs extensively to create a district or zone effect.

We have a sign; why does my business need a message center?

Consider for a moment the speed at which traffic passes by the average business. A motorist has only a few seconds to see and comprehend any given sign. For example, on a street with traffic passing at 45 miles per hour, a car that is 500 feet in front of a given sign will have only 7.6 seconds to read the sign before it passes, under normal driving conditions. A business' sign must be conspicuous if it is to catch the attention of passing motorists within the limited amount of time available.

Motorists often spot electronic message centers quickly because the copy changes, the letters are illuminated, and the signs have traditionally been used as public service devices. Additionally, electronic message centers may have greater visibility from further distances, especially in poor lighting conditions, giving the motorist additional time to read the message

displayed while safely maneuvering his or her vehicle.

Message Centers act as a consolidating type of advertising. In other words, they offer businesses a way of posting a variety of information in one place rather than relying on numerous signs and banners displayed in windows, for example. This can be a real advantage for a business located in a district with strict rules about temporary signs.

Most importantly, the electronic message center almost always increases a business's share of revenue. This is a result of the "branding" of the site through the use of specific logos, reinforcement of other advertising messages, allowing for public service notices, generating exact impulse stops, and helping to change customers' buying habits once they have stopped.

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
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Frequently Asked Questions

How will an electronic message display work best for my business?

The growth in number of media options in recent years is good news for businesses because of the variety available to meet individual business communication needs. However, each new advertising option draws its audience away from

other existing audiences. This is not true with EMCs. The display's audience is determined by the sign's message, its location, and the number of vehicles that pass it each day, and its audience continually grows.

The electronic message display rapidly becomes a landmark in a business's local community, because it offers a valuable public service to the entire community by displaying:

- Public service information
- Civic events
- Personal and holiday greetings
- Current time and temperature
- Specific advertising messages

Passing viewers often look forward to reading clever new messages, and may even come to rely upon the message service in some settings. But most importantly to the business owner, the passing viewers will remember:

- What the business is, and
- Where the business is located.

Is an electronic message center a cost-effective advertising medium?

Yes. Businesses often select their advertising medium, and messages, based upon the cost per thousand exposures of their message to the public. ON this basis, no other form of advertising comes close to matching the efficiency and cost-effectiveness, dollar for dollar, of an electronic message display. Compare the figures below:

- Newspaper advertising - the cost on average is about \$7.39 for 1000 exposures within a 10-mile radius of the business location.
- Television advertising - The cost on average is approximately \$6.26 per 1000 exposures.
- Radio advertising - The cost is about \$5.47 per 1000 exposures.
- New LED electronic message center display - The cost is less than \$0.15 per 1000 exposures. How? Assume, for example, that you spend \$30,000.00 on this type of system, and that its useful life is about ten years. The amortized daily cost of the message center would equal about \$2.74. Add to this the daily cost of electricity for this new LED unit (approximately \$0.20), thus giving your business a daily message center expense total of \$8.82. With a daily traffic count of 20,000 vehicles passing your business, you would have a cost of less than \$0.45 per thousand exposures (counting drivers only)!

Best of all, with an electronic message center, a business does not have to worry about missing its target audience, becoming "yesterday's news," or facing expensive production costs for changing its message, as happens frequently with the other forms of advertising mentioned.

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.



Frequently Asked Questions

What level of return on investment can I expect?

For businesses that choose to enhance their signage with an electronic message display, the owners typically see an increase in business of 15% to 150%. Using the smaller number, consider the following example.

A small business generating \$1,000.00 a day in revenue adds an electronic message center. The business soon increases by 15%, adding another \$150 per day in total revenue. That translates into an additional \$1,050.00 a week in revenue, or \$54,600.00 per year. It has been said that in retailing, "the last dollars are the best dollars," meaning that each additional customer adds a greater marginal percentage to the business's bottom line profit. In the foregoing example, we can only speculate upon the actual

impact upon profit, but assuming that the business was at or above its "break-even" point before adding the electronic message center, the addition of \$54,600.00 per year in revenue would clearly add to the business's profit.

Keep in mind that with this example, the investment in the electronic message center unit would likely be about one-third of the additional revenue generated in the first year of its operation alone

How much can I expect to spend on an electronic message center?

Before you wonder how much a business will spend on an electronic message center, first determine how much will be spent overall on marketing and advertising. It is not uncommon for a business that is already using a variety of media advertising without an electronic message center to divert some of those advertising dollars to an investment in one of these displays, greatly increasing exposure, business volume and customer acquisition - all without spending any additional revenue.

Technological breakthroughs have reduced the costs of producing these communications devices and have considerably reduced the previous level of expense for operating message centers. New technology is available that allows message centers to:

- operate 24 hours a day continuously for many years with minimal bulb or LED replacement; and
- consume electricity at a daily cost of as little as \$0.20 for a small LED display, or approximately \$74.00 per year.

Best of all, these new message centers can be purchased for much less than their predecessors. Even small and medium-sized companies are finding an investment in a changeable electronic sign is worthwhile. Technological advancements are occurring so

rapidly that a greater variety of these signs is within financial reach, offering the small business a tremendous on-site advertising tool that ties the advertised product directly to the location where it can be purchased.

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
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Frequently Asked Questions

What about safety? Aren't EMCs a distraction for drivers?

Over the last few decades, discussion pertaining to signage has centered on four fronts:

1. Maintaining the economic vitality of commercial districts through signage
2. the First Amendment (see this SBA site's "[Legal Considerations](#)" and the "[Legal Resources](#)" in the Glossary/Resources tab for in-depth detail about legal rights, protections and more)
3. community aesthetics; and
4. traffic safety.

Some might argue that signs cause traffic accidents by distracting the driver of a vehicle. However, this has never been proven to be the case with a well-designed sign. A well-designed sign has a brief, easy-to-read message, in lettering large enough to be easily seen and read by a driver. Further, the sign is illuminated to assist in its visibility and legibility. The sign is of a sufficient size and height that it is easily seen, as well as placed in a location where a driver would naturally look.

If anything, well-designed and placed signage can increase safety. As quoted in the article, "Traffic and On-Premise Sign Regulation"* which speaks to this issue of safety in detail, "To facilitate safe movement and meet information

needs, roadside signs, both commercial and noncommercial, must provide drivers with clear messages that are visible under all environmental conditions." The article continues with, "Signs that do not optimally communicate ... can create driver frustration or disorientation." And finally, "These driver behaviors many times cause accidents - accidents which might have been avoided had the pertinent sign been visible and readable in sufficient time for the viewer/driver to process its message and safely respond."

Electronic message centers - like other types of signage - when properly designed, placed, maintained, and illuminated can actually promote greater traffic safety.

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.



Electronic Message Centers: Safe and Legal

The federal government recognizes the superior communication value of EMCs and uses electronic information panels on many freeways to warn drivers of possible hazards. Its use of portable electronic warning signs at construction or accident sites is also increasing.

The sophisticated hardware that is now available makes maximum readability possible for the driver. Airports and highway departments are developing expertise in positioning and sizing of these signs to enable the driver to read, react and move through traffic with optimum safety.

Electronic message centers are not a distraction to drivers; it is quite the contrary. Their exceptional readability and conspicuity means that EMCs actually increase driver safety. The federal government and other reviewers, after conducting numerous studies, analyzing court cases, and reviewing the available literature, have concluded that signs and electronic message centers, if used properly, are traffic safety enhancement devices.

The 1958 Federal-Aid Highway Act established federal controls for signs illuminated by flashing, moving or intermittent light. The Federal-Aid Highway 1965 Act did not contain any reference to lighting controls. However, Federal/State agreements were entered into with all States referencing lighting restrictions on signs in commercial or industrial areas, based on customary usage.

In 1978, the Surface Transportation Assistance Act amended the highway beautification law to allow on-premise electronic message centers along the Interstate and Federal Aid Primary road systems, subject to individual state law, so long as those signs do not contain flashing, intermittent, or moving lights. Variable message signs, whose content can be changed or altered on a fixed display surface, are recognized by the federal government as different from the regulated animated signage, which mimic movement or have high-intensity flashing lights in order to grab the viewer's attention.

In a 1980 study commissioned by the Federal Highway Administration, researchers Ross Netherton and Jerry Wachtel set out to prove electronic variable message signs were unsafe. They concluded, however, that no credible statistical evidence existed to support the conclusion that electronic or variable message centers negatively impacted road safety. Their report also said that roadside signs provided a stimulus that helped maintain driver alertness, and increased safety by combating "highway hypnosis."

Several states have conducted studies on the safety of roadside signs, including EMCs, and none have found an increase in traffic accidents - and in some cases found a significant decrease in accidents - related to the signs. Furthermore, nine leading insurance companies were surveyed, and all indicated that they had never received an accident claim involving an advertising sign.

Richard Schwab, former Federal Highway Administration program manager for research on highway visibility and night driving safety and Fellow of the Illuminating Engineering Society of North America, conducted an extensive study that concluded EMCs could not be linked to traffic accidents or any reduction in traffic safety.

In 1996, the Kentucky Supreme Court struck down a state statute that prohibited signs near highways if they contained or included "flashing, moving or intermittent lights except those displaying time, date, temperature or weather." The court said the state had failed to demonstrate that a legitimate government interest was advanced by the prohibition, and said no evidence supported the notion that so limiting the content on the display had "anything to do with highway safety or aesthetics."

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.



Electronic Message Centers: Safe and Legal

It is a testament to the safety of EMCs that, since 1979, the Federal Highway Administration has not seen any need to revise its recognition of the legality of on-premise commercial variable electronic message signage, provided that:

1. the displays are changed at reasonable intervals,
2. the signage does not violate the compliance agreement's definition of flashing lights, and
3. a state has accepted local controls in lieu of state controls and such signs are considered to have been in customary use within the locality, or a state court has determined that such signs do not constitute flashing, intermittent or moving lights.

Electronic Message Centers (EMCs)

The U.S. Small Business Administration and the
Signage Foundation For Communication Excellence, Inc.



Notes

Agenda Item # 13

Case #21-A-43

Variance

STAFF REPORT

TO: Board of Zoning Appeals

DATE: September 16, 2021

SUBJECT: **Case #21-A-43**

PREPARED BY: Vaidehe Agwan

GENERAL INFORMATION:

Applicant: Joseph Stamper, 926 Sherman Ave, Springfield, Ohio.
45503

Owner: see Applicant.

Request: Variance to keep an emotional support animal (a pig).

Location: 926 Sherman Ave.

Size: 0.145 acres

Existing Land Use and Zoning: Residential, RS-8

Surrounding Land Use and Zoning: North: Residential, RS-8
East: Residential, RS-8
South: Residential, RS-8
West: Residential; RS-8

Applicable Regulations: Chapter 1172.06 Variances.

File Date: August 30, 2021

BACKGROUND:

The applicant was found to be in violation of zoning code for keeping a pig within residential property. The applicant reached out to the city and applied for a variance from the zoning code to keep the pig as an emotional support animal.

RETURNED REPORTS FROM STAFF:

City Manager's Office: Recommends denial. There is no evidence in form of Letters which usually come from a medical professional. There is no evidence that the pig is registered as an emotional support animal.

City Service Department:	No objections.
City Police Department:	Recommend denial. According to 1735.01 of the Codified Ordinances of Springfield, only the Health Commissioner can approve the keeping of hogs within the city. Furthermore, there is no official documentation to designate the hog in question as an emotional support animal. If the city government allows this, it would have to do so in all similar cases (emotional support lion, alligator, etc.)
City Fire Department:	Pending comments.
City Building Department:	No objections.
City Community Development Department:	Recommend Denial. (Refer analysis)

ANALYSIS and STAFF RECOMMENDATION:

No variance from the strict application of any provision of this Springfield Zoning Code which permits the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located, shall be granted by the Board unless it finds that strict application of this Springfield Zoning Code would result in unnecessary hardship. The Board shall find unnecessary hardship only when all the following facts and conditions exist:

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

Staff Comment: The property in question can yield a reasonable return and there can be beneficial use of the property without the variance. The demonstrable hardship as stated by the applicant lacks evidence that the pig is a registered emotional support animal.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

Staff Comment: The variance is substantial as according to 1735.01 of Codified Ordinances of City of Springfield, only the Health Commissioner can approve the permission to keep pigs within city.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Staff Comment: As pigs are not permitted on properties less than 3 acres the variance requested is substantial. Having pigs on property will be detrimental to character of neighborhood. 1135.26 states that all other livestock and non-carnivorous animals; with exception of Domestic dogs, domestic cats, fish, and honeybees (apis mellifera); shall only be kept on parcels three acres or more.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

Staff Comment: It will not affect governmental services.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

Staff Comment: Yes.

6. There is no other feasible method of solving the property owner's predicament.

Staff Comment: no.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Staff Comment: No.

ATTACHMENTS:

13. Vicinity and zoning map

14. Application



14



Planning & Zoning

FOR OFFICE USE ONLY

Case #: 21-116
Date Received: 8-30-21
Received by: JLS
Application Fee: \$ 57.00
Review Type:

☐ Admin ☐ CPB ☐ BZA

GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description (attach additional information, if necessary):

Need Variance to Keep an Emotional Support Animal at this property

2. Address of Subject Property: 926 Sherman Ave

3. Parcel ID Number(s): 3400700029117019

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: 45 x 140

6. Current Use of Property: Residential

7. Current Zoning of Property: Residential

B. APPLICANT

1. Applicant's Status (attach proof of ownership or agent authorization) ☒ Owner

☐ Agent (agent authorization required) ☐ Tenant (agent authorization required)

2. Name of Applicant(s) or Contact Person(s): Joseph Stamper

Title: _____

Company (if applicable): _____

Mailing address: 926 Sherman Ave.

City: Springfield State: OHIO ZIP: 45503

Telephone: (937) 561-5939 Fax: () _____

Email _____

3. If the applicant is agent for the property owner:

Name of Owner (title holder): Joseph Stamper

Mailing Address: 926 Sherman Ave

City: OHIO State: Springfield ZIP: 45503

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR
KNOWLEDGE.**

Joseph Stamper
Signature of Applicant

Signature of Co-applicant

Joseph Stamper
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of _____

The foregoing instrument was acknowledged before me this _____ day of
_____, 20____

by _____ (name of person acknowledged).

(seal)

My Commission Expires
November 29, 2023
Notary Public - Ohio
Connie J Chambers



Connie J Chambers
Notary Public Signature

Commission expires: 11/29/2023



CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 8/30/2021

Property address: 926 Sherman ave.

Section of the Zoning code applicable: _____

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

To Keep my daughter's pig for Emotional Support

Please include the following exhibits:

Exhibit A

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

TO Keep the pig for Emotional Support.

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

Requesting Variance Related to Code

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

*will not Alter OR have any Substantial
detriment to the Neighborhood*

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

No

5. The property owner was not aware of the zoning restrictions when purchasing the property.

No

6. There is no other feasible method of solving the property owner's predicament.

No

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

yes

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

Joseph Stamper
Signature of Applicant

Signature of Co-applicant

Joseph Stamper
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____

by _____ (name of person acknowledged).

(seal)



Connie J. Chambers
Notary Public Signature

Notary Public - Ohio

My Commission Expires

November 29, 2023

My commission expires: Nov 29, 2023

Application Check List

Please review for completeness

ITEMS TO BE SUBMITTED:

- ☐ Proof of ownership or Property Owner Affidavit.
- ☐ General Application
- ☐ Site plan if neccessary
- ☐ Fee of \$57 (residential) or \$285 (commercial). Fee must be submitted with the application.
- ☐ Board of Zoning Appeals - Variance Application.
- ☐ Please include the following Exhibits (Exhibits are to be attached and made part of the petition):
 - Exhibit A: A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. See sample site plan.

Fees must be submitted at the time of application.

Dear Board

I love my pig. I've had him since he was 1 month old. He just turned 2 in July and we even had him a party. He means so much to me. I really need him right now. I just got out of a relationship where I was being abused. I was dating a guy and he started hitting me. He wouldn't let me leave his house. For a whole 2 weeks no one could get ahold of me. He kept me in the house and was hitting me. He wouldn't even let me get off of the bed. I finally got away one night when he fell asleep. I found out a day or so after, that I had to get rid of my pig Jasper. It all hit me at once. I was losing the 2 things in my life I loved the most.

I ended up in the hospital because I was suicidal. They took me to a mental hospital almost an hour away. I stayed there for a week. I was sent home with a prescription for anti-depressants and Anxiety medication. The hospital requested me a psychiatrist and counselor. When I came home I spent so much time with Jasper. I need him more than ever. I needed him to make me smile because, at this point it seemed like I would never get my smile back. I need him to help repair the little I have left. He is all I have. He is my smile. He is the only reason I am still trying at life and have not gave up. I'm starting to get depressed again. I'm so worried about him. He is the only thing that gives me hope. Taking him away and giving him to someone else was so hard. It even hurt him. He cried on the 1 hour and 16 min ride there. He is so far from everything he has ever known and loved.

The lady I gave him to said that he is depressed and is not doing alright. He won't let her near him. He misses everyone and we miss him so much. Everyone loves Jasper. The mail lady even brought him treats everyday. I get so many people asking me about him every time they drive by. He brought people in my neighborhood together. Before him no one talked to each other. Now I have people I never knew randomly dropping him off things. He is bringing my neighborhood together. Everyone knows we're the house with the pig is. He makes everyone smile. The neighborhood seems dim with him gone. He really did bring so much life to our neighborhood. No one complained about him. He doesn't make a mess or smell. He is not loud at all. He just wants to eat and get belly rubs. If I'm being honest he thinks he is really a dog. He is not aggressive at all. There are more Concerns about certain dogs in the neighborhood than there is about Jasper. I don't understand why I can't keep him. He is a Mini Pig not a hog. He is not even close to being the size of a hog. He has stopped growing. The only thing that has not stopped growing is his brain. He becomes smarter everyday. Pigs are even smarter than dogs.

2021 BOARD OF ZONING APPEALS ATTENDANCE

BOARD MEMBERS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	20	17	15	19	17	21	19	16	20	18	15	20
Dori Gaier Reso. 6048	P	P	P	A	P	P	A	P				
Denise Williams Reso. 6059	P	A	P	P	P	A	A	P				
Matthew Ryan Reso. 5839	P	A	A	P	P	P	P	P				
Mark Brown Reso. 5869	P	P	A	P	P	P	P	P				
James Burkhardt Reso. 5880	A	P	P	A	P	A	P	P				
Rhonda Zimmers Reso. 5914	P	P	P	P	A	A	P	A				
Charles Harris Reso. 6069	P	P	P	P	P	P	A	A				

NOTE: The first date shown is the original appointment/reappointment date. The second date represents the most recent term's expiration.
The City Commission Resolution is also listed.



Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION

City Planning Board
Regular Meeting - First Monday following the First Tuesday of the Month
7:00 P.M. - City Forum, City Hall, 76 E. High St., Springfield, Ohio

City Planning Board
Meeting Date:

January 11, 2021
February 8, 2021
March 8, 2021
April 12, 2021
May 10, 2021
June 7, 2021
July 12, 2021
August 9, 2021
September 13, 2021
October 11, 2021
November 8, 2021
December 13, 2021

Lotsplit Variance,
Rezoning, and Final
Subdivision
Application
Deadline:

December 21, 2020
January 15, 2021
February 12, 2021
March 22, 2021
April 19, 2021
May 17, 2021
June 21, 2021
July 19, 2021
August 23, 2021
September 20, 2021
October 18, 2021
November 22, 2021

Board of Zoning Appeals
Regular Meeting-Third Monday of the Month
7:00 P.M.- City Forum, City Hall, 76 E. High St., Springfield, Ohio

Board of Zoning

January 20, 2021 *
February 17, 2021 *
March 15, 2021
April 19, 2021
May 17, 2021
June 21, 2021
July 19, 2021
August 16, 2021
September 20, 2021
October 18, 2021
November 15, 2021
December 20, 2021

Application Deadline:

December 28, 2020
January 25, 2021
February 22, 2021
March 29, 2021
April 26, 2021
May 28, 2021
June 28, 2021
July 26, 2021
August 30, 2021
September 27, 2021
October 25, 2021
November 29, 2021

* Denotes meeting day changed to Wednesday due to holiday.

Effective Date: December 2020

Prepared by the Planning and Zoning Division

2021 CITY COMMISSION CALENDAR

JANUARY 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MARCH 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

MAY 2021						
Su	M	Tu	W	Th	F	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31				Election Day	

JULY 2021						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

NOVEMBER 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	Budget Mtgs		Election Day	

FEBRUARY 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

APRIL 2021						
Su	M	Tu	W	Th	F	Sa
Retreat				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JUNE 2021						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
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27	28	29	30			

AUGUST 2021						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

OCTOBER 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	